



JUSTICE **OR** IMPUNITY?

HIGH PROFILE CORRUPTION CASES
CRAWLING OR GONE TO SLEEP



PROF. BOLAJI OWASANOYE



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for



**STOP IMPUNITY
NIGERIA CAMPAIGN**

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I. EXECUTIVE SUMMARY

A prominent modern theorist of justice was John Rawls. Rawls sought to understand justice through the *justifiability and fairness* of basic social institutions. His fundamental idea is that, within a society, just institutions should be fair to all its members. As a principle that regulates the members of a society, justice should be applied on the basis of equality. Thus, when different sets of principles are applied to similar situations – when, for example, one person is condemned for an offense while the other is treated far more leniently for the same offense – such actions dilute not only the meaning of ‘equality before the law’, but also the fundamental principle of ‘non-discrimination’ on the basis of geography or other considerations. Truth and justice must be uncompromisable because they represent the first virtues of human society.¹

The Economic and Financial Crimes Commission (EFCC) was established in 2003 by President Olusegun Obasanjo Administration to curb the then raging economic crimes which the conventional security agencies could not cope with, given their pathological nature. Expectedly, its mission statement was (and is) “To rid Nigeria of Economic and Financial Crimes and to effectively coordinate the domestic effort of the global fight against money laundering and terrorist financing”. Yet, more than a decade after its establishment, the jury is still out on whether the anti-corruption agency has fulfilled its mission. Its anti-corruption campaign is fast losing steam and public support. This is not to say that there are no negative consequences for criminal acts; there are, especially if the accused person belongs to the wrong class. This explains why the EFCC is having tough times securing convictions for alleged high profile corrupters in our society. As this Report will show, the EFCC is not entirely to be blamed for this, given the constraints that permeate the entire judicial process where cases drag on endlessly. Indeed, it appears that laws are often twisted to favour the wealthy and powerful in Nigeria.

This short study examines why prosecution of high profile corruption cases are crawling, at best, or gone to sleep. It identifies, at least, the following categories of high-profile cases and the corresponding amount allegedly embezzled:

S/N	CATEGORY	AMOUNT ALLEGED EMBEZZLED (₦)
1	Ex-Governors (15)	146,840,800,000.00
2	Ex-Ministers (4)	7,050,000,000.00
3	Ex-Legislators (5)	8,350,000,000.00
4	Ex-Public Servants (Federal) (7)	6,906,600,000.00
5	Ex-Public Servants (State) (5)	7,275,000,000.00
6	Private Sector (Banking Industry) (8)	524,560,000,000.00
7	Businessmen (11)	653,150,000,000.00
GRAND TOTAL		₦1,354,132,400,000.00

¹ John Rawls, *A Theory of Justice* (Oxford Univ. Press, 1999, rev'd ed.) 3.

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The study's preliminary *findings* are that:

- The EFCC is appears to be overwhelmed by the high incidence of corruption in Nigeria today.
- The existing prosecutorial machinery appears to be inadequate to meet current challenges.
- The judicial process, including practice rules and directions, allows accused persons to endlessly rigmarole the justice system.
- Some lawyers and judges conspire to frustrate, rather than advance, justice through frivolous applications and adjournments, respectively.
- The legislature has failed to bring our criminal justice administration in line with contemporary challenges.
- Poor funding contributes in slowing down EFCC's operational and prosecutorial mandate. The Commission cannot perform optimally if it is not financially independent.

This study will contain some general recommendations as well as specific action plans, all of which challenge not only the EFCC but also other stakeholders too – the legislature, executive, judiciary, and civil society – to do more to reinvigorate the war on corruption in Nigeria.

II. THE EFCC AND ECONOMIC CRIMES

2.1 The EFCC and Its Mandate

The EFCC is unarguably one of the most visible law enforcement organisations in Nigeria. Established in 2004, it specialises in the investigation and prosecution of economic crimes. The 2004 Act which establishes the EFCC (amended in 2007) empowers the Commission, *inter alia*, to prevent, investigate, prosecute and penalise economic and financial crimes such as –

- advance fee fraud (419 or obtaining through different fraudulent schemes),
- banking fraud,
- oil bunkering,
- terrorism,
- capital market fraud,
- cyber-crime,
- land racketeering,
- financial negligence,
- forgery,
- stealing, and
- economic governance fraud (transparency and accountability).

The Act also charges the Commission with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, such as:

- Economic and Financial Crimes Commission Establishment Act (2004);
- Money Laundering Act 1995;
- Money Laundering (Prohibition) Act 2004;

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- Advance Fee Fraud and Other Fraud Related Offences Act 1995;
- Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994;
- Banks and other Financial Institutions Act 1991; and
- Miscellaneous Offences Act

This broad mandate allows the EFCC to arraign persons for all manner of economic malfeasance.

2.2 *Facing the Giants*

Clearly, corruption has eaten up Nigeria; like cancer, it metastasised throughout the body politics. There is no sector that is spared; indeed, corruption has become a counter-force to creativity, destructive in its nature and purpose, raging far and wide like a wild-fire, and burning in the nation's core. Regarding the management of the nation's resources, our political leaders act with impunity against the public interest. They live in opulence, not from sweats of their brow but from the collective patrimony. The greed of few has impoverished the lives of many.

The EFCC has recorded reasonable successes in the arrest of top politicians, captains of industries, Directors-General of federal institutions, and similar personalities accused of corruption. Similarly, available statistics show that, between 1999 and 2012, EFCC has prosecuted, at least, sixteen Ex-Governors for varying economic malfeasance. Many of them allegedly stole from monthly allocations and took questionable loans from banks. The samples include:²

- Ayo Fayose, ex-Governor of Ekiti State, arraigned for money laundering.
- Joshua Dariyi, ex-Governor of Plateau State, arraigned for criminal appropriation of public funds, embezzlement and criminal breach of trust.
- Saminu Turaki, ex-Governor of Jigawa State, arraigned for money laundering.
- Orji Uzoh Kalu, ex-Governor of Abia State, arraigned for money laundering.
- Jolly Nyame, ex-Governor of Taraba State, arraigned for criminal appropriation of public funds, embezzlement and criminal breach of trust.
- Chimaroke Nnamani, ex-Governor of Enugu State, arraigned for money laundering.
- Rashidi Ladoja, ex-Governor of Oyo State, arraigned for money laundering.

During the corresponding period, the anti-corruption Agency also prosecuted not less than three ex-Ministers for economic crimes, including –

- Adenike Grange, former Minister of Health, arraigned for conspiracy, criminal breach of trust, and forgery.
- Prof. Babalola Borishade, former Minister of Aviation, arraigned for conspiracy, forgery, uttering and gratification.
- Mr. Femi Fani-Kayode, former Minister of Aviation, arraigned for money laundering.

² See Table I for fuller details.

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Following the nation-wide banking restructuring by the Central Bank under Lamido Sanusi's leadership, EFCC had another opportunity to investigate and prosecute some high profile cases in the private sector.

- Cecelia Ibru - Oceanic Bank Plc,
- Francis Atuche - Bank PHB Plc,
- Charles Ojo - Spring Bank Plc,
- Erastus Akingbola - Intercontinental Bank Plc.

were some of the former bank executives that EFCC arrested and arraigned during the period included, some for granting credit facilities above their authorised limits and without adequate security; others for embezzlements, conspiracy, forgery, and such like.

Table 1 (below) provides details of the nature of charges, the trial courts, prosecuting counsels, and *etcetera*. Regrettably, there has not been commensurate number of high profile convictions. Of course, this is not to say that the EFCC has not recorded some successes.

As *Appendix II* (below) shows, the Agency recorded 117 convictions in 2013 alone. Of this number:

- 58 convictions, that is, almost 50 per cent, relates to obtaining by false pretence.
- Eight convictions were on money laundering.
- The rest were shared between
 - criminal misappropriation,
 - forgery,
 - conspiracy to forge,
 - illegal dealing in petroleum products,
 - possession of scam documents,
 - counterfeiting of currency, and
 - other frauds.

Most of the crimes were low-profile, in terms of the personalities and amounts involved. A few of the cases were filed between 2006 and 2009, but many were filed between 2010 and 2013. Indeed, it is interesting that many of the listed cases filed in 2013 were also completed the same year. A closer look at the data, however, suggests that the speed of prosecution and conviction has more to do with the nature of the crimes and persons involved than the functionality of the legal and judicial process.

Of course, the EFCC received national and international acclaim when it successfully arraigned and secured conviction and sentencing for Chief Olabode George, a PDP Chieftain, in October 2009. Before then, the Agency was increasingly seen as a toothless bull dog following the controversial removal of its pioneer Chairman, Mr. Nuhu Ribadu as the EFCC boss and his replacement by Mrs. Farida Waziri. Regrettably, the Supreme Court recently overturned Bode George's conviction on questionable technical grounds, that singular effort brought the EFCC national and international acclaim.

III. WHY MANY HIGH PROFILE CASES SUFFER DELAYS

3.1 General Causes

There is no shortage of reasons for the retreat of justice in respect of high profile corruption cases; and culpability for the failure could be shared among several stakeholders. In general, the almost zero level of high profile conviction raises fears of possible manipulations and frustration of the cases by those arraigned when they are granted bail. Lawyers, and sometimes judges, use technicalities to defeat the cause of justice. This is particularly true with respect to high profile corruption cases. According to a former EFCC Chairman, it has become an ‘art’ for defense attorneys to ensure that financial crime cases do not go on and substantive cases are never tried on their merits. Defense attorneys delay and prolong cases by a tactic of applying for stay of proceedings. Where such application is not granted, they accuse judges of bias, which provide grounds for application to transfer their cases to other judges.³

The EFCC has always pointed to the slow judicial process as an obstacle to quick determination of some of its cases. Its position, which represents a partial truth, is that it cannot play the role of prosecutor and judge. Once a case is filed, the Chief/Administrative Judge concerned has the discretionary power to assign the case to any court of his choice. Thereafter, both the counsels to the Commission and accused are at the mercy of the trial judge. Although many of our judges are working under very unfavourable conditions to dispense justice, few others rely on technicalities to defeat justice. Otherwise, how may one explain that a Nigerian court cleared James Ibori, ex-Governor of Delta State, of several charges of mind-blowing acts of corruption – on the ground that he had no case to answer – yet he was easily prosecuted, convicted and sentenced to 13-years imprisonment by a British court on similar charges?⁴ As Samizares argues:

It is ... a paradox that the charges to which Ibori owned up in the London court, and for which he was subsequently jailed were just a subset of the litany of concrete charges which the ex-governor denied in Nigeria and for which the Federal High Court, Asaba, cleared him. Ibori’s case is not just a terrible dent on Nigeria’s image but it is one case too many that has stained the judiciary and dragged it through the mud.⁵

Many of the high-profile cases have frozen due to frivolous applications for adjournment by prosecuting and defence lawyers. Justice Abubakar Umar of Abuja High Court recently blamed the EFCC for delays in the disposal of criminal cases it instituted against corrupt officials. According to the Judge, counsels handling various cases for the agency make incessant requests for adjournments.⁶ More frequently, it is defence lawyers who keep filing frivolous applications for long adjournments years after the accused persons took their plea. The motive, of course, is to frustrate and prolong the trial.

³ See Nuhu Ribadu, “Obstacles to effective prosecution of corrupt practices and financial crime cases in Nigeria”, presented to the House of Representative Committee on Anti-corruption, National ethic and Values, Kaduna, November 23 – 24 2004, available at www.efccnigeria.org.

⁴ See M Tran, ‘Former Nigerian State Governor James Ibori Receives 13-year Sentence’, *Guardian* [UK], 17 April 2012, available at <http://www.guardian.co.uk/global-development/2012/apr/17/nigeria-governor-james-ibori-sentenced>.

⁵ Samizares, ‘James Ibori and Nigeria’s Judicial System’, *Zimbio*, 2 May 2012, available at <http://www.zimbio.com/Nigeria/articles/K8I5mF3bhS0/JAMES+IBORI+NIGERIA+JUSTICE+SYSTEM>.

⁶ See www.myfinancialintelligence.com/content/judge-blames-efcc-delay-cases#sthash.Ts95AcGi.dpuf.

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At his defence of the 2013 budget before the Senate Committee on Drugs, Narcotics and Financial Crimes, Ibrahim Lamorde, the current EFCC Chairman, reportedly accused the judiciary of frustrating EFCC's efforts. According to him, the judiciary, acting in concert with criminals and their defence lawyers, use the legal process to avoid prosecution or to delay trial. As an illustration, Lamorde stated:

We have an example of a case we charged to court in 2006; for this very case, we have gone to the Supreme Court twice on just interlocutory applications. They will file this, the judge will overrule them, they will go to the Court of Appeal and lose there, but they will still go to the Supreme Court. At the Supreme Court when they lost, they will be asked to go to the trial judge for the case to continue.⁷

The transfer or promotion of a trial judge also truncates a case. Transfer of judges is a routine administrative practice, but where such transfers are occasioned by arm-twisting, they truncate the pace of prosecution of cases, as the new judge seized of the case would start it *de novo* (afresh), no matter the level of prosecution the case had attained. Take the transfer of Justice David U. Okorowo as an example. The judge was initially seized of some high-profile corruption cases while at the Federal High Court Abuja. Among them were the trial of Dimeji Bankole, former speaker of House of Representatives; Abdullahi Adamu, a former governor (now a senator); and Mr. Sylva Opuala-Charles, former Bayelsa State Commissioner of Finance. While the cases were going on, Justice Okorowo was transferred to the Federal High Court in Jalingo, Taraba State. The effect of his transfer was that all those cases, which were at different stages of conclusion, started *de novo*.⁸

The same scenario is occasioned whenever a trial judge is elevated to the higher bench, rightly or wrongly. Thus, when Justice Habeeb Abiru of the Lagos High Court, who initially presided over the fraud case involving Erastus Akingbola, was elevated, he abandoned the case. The case was reassigned to another judge who heard it afresh.

Another constraint to effective prosecution is congestion and slow pace of court proceeding caused by insufficient number of courts and judges and antiquated manual recording system. Furthermore, the nature of financial crimes, which have become cyber poses jurisdictional challenge and increases the costs of investigation and prosecution. Digital revolution has collapsed traditional physical boundaries and therefore altered the territorial jurisdiction for prosecution of cyber-crimes. Associated with jurisdictional challenge is the challenge posed by the increasing costs of prosecuting these cases, which run into millions of naira. Finally, the EFCC faces the challenge of defective procedural rules.

In summary, the high profile cases are hanging due to –

- too many charges filed;
- weak evidence either from inception or due to prolonged trial;
- compulsory bail application usually for medical or religious grounds or just as of right;
- frequent change of counsel;

⁷ "A hopeless EFCC and a corrupt judiciary", *Sun*, reproduced in <https://www.bribenigeria.com/a-hopeless-efcc-and-a-corrupt-judiciary/> (quoting Ibrahim Lamorde).

⁸ See "Why Special Court for Corruption Cases?" *ScanNews*, 3 May 2013, available at <http://scannewsnigeria.com/featured-post/why-special-court-for-corruption-cases/>.

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- frequent adjournments for flimsy reasons;
- transfer or promotion of a trial judge, resulting in a case starting *de novo*
- lack of witnesses or uncooperative witnesses;
- incessant interlocutory appeals;
- negative role of defense counsel and use of delaying tactics;
- political influence peddling to delay, quash case, get it struck out for want of prosecution or lack of evidence or both or get public and media support that the accused is victim of a witch hunt;
- political rehabilitation of accused by high profile political appointment, electoral victory into public office;
- increased possibility of behind the scene political resolution and rehabilitation of accused;
- compromise of the court or of the prosecution or both;
- prosecution apathy or fatigue;
- diminishing media and public interest, which affects zeal of prosecution; and
- delay divides public interest and opinion about the guilt or otherwise of accused and leads to increased benefit of the doubt that the accused is being witch-hunted.
- underfunding of anti-corruption agencies.

3.2 *Illustrative Case Studies*

Some illustrative cases studies are necessary to validate the points highlighted above. Each of the selected high profile cases reveals a combination of these problems. Below is a sampling:

3.2.1 *Dr. Chimaroke Nnamani*

Dr. Chimaroke Nnamani was first arraigned before Justice Abubakar Tijani in 2007 alongside Sunday Anyaogu, his aide; Rainbownet (Nig.) Ltd.; Hillgate (Nig.) Ltd.; Cosmo FM; Capital City Automobile (Nig.) Ltd.; Renaissance University Teaching Hospital; and Mea Mater Elizabeth High School. Mr. Kevin Uzozie is the prosecuting counsel. Mr. Abubakar Shamshudeen is the defence counsel.

Three judges had handled the trial before it was transferred to Justice Mohammed Yinusa. In April 2013, the Judge granted Dr. Nnamani leave to travel overseas for medical treatment. His lawyer told the Court that he was suffering from Hypercholesterolemia – a condition characterized by very high levels of cholesterol in the blood. The former governor’s overseas trip led to the court adjourning twice – first in May and then in September 2013 – because the accused had not returned.⁹ When the matter came up again on 4 March 2014, his defense counsel asked for another adjournment, arguing that the matter was for mention rather than hearing. The judge conceded – notwithstanding objection by the prosecuting counsel – and further adjourned the case to 17 June 2014.¹⁰

⁹ See Ben Ezeamalu, “After 7 years, corruption trial of former Enugu governor, Nnamani, yet to begin”, *Premium Times*, 5 Mar. 2014, available at www.premiumtimesng.com/news/156201-7-years-corruption-trial-former-enugu-governor-nnamani-yet-begin.html.

¹⁰ See Ade Adesomoju, “Nnamani’s lawyer stalls N4.5bn money laundering trial”, *Punch*, 5 Mar. 2014, available at www.punchng.com/news/nnamanis-lawyer-stalls-n4-5bn-money-laundering-trial/.

3.2.2 Otunba Gbenga Daniel

In April 2012, the EFCC arraigned Otunba Gbenga Daniel, the ex-Governor of Ogun State, before an Abeokuta High Court for alleged fraudulent conversion of land and diversion of public funds. Like others, there has been no major progress in his trial due to numerous adjournments without major progress. Daniel brought an application to quash some of the counts in the charges leveled against him. When Justice Olanrewaju Mabekoje dismissed the application, his lawyer appealed to the Court of Appeal; and on 6 November 2013, prayed the trial court for adjournment of the proceedings pending the outcome of the appeal. Justice Mabekoje granted the prayer.

3.2.3 Ayo Fayose

Ayo Fayose, ex-Governor of Ekiti State, was first arraigned at the Federal High Court, Lagos, in 2007 for allegedly misappropriating huge amounts of Ekiti State funds while he was Governor. He challenged the jurisdiction of the Court on the grounds that the alleged offence was committed in Ekiti State, not Lagos. Meanwhile, the trial Judge, Emmanuel Obile, was transferred; and on 22 November 2012, Fayose was re-arraigned before Adamu Hobon of the Federal High Court, Ado Ekiti, on a 27-count amended charge.

3.2.4 Femi Fani-Kayode

Mr. Fani-Kayode was first arraigned in 2008 on 47 count charge of money laundering. He allegedly committed the offence while serving as Minister for Culture and Tourism and then Aviation Minister. The prosecuting counsel is Festus Keyamo while the defence counsel is Ifedayo Adedipe. Three judges have overseen this trial since 2008. In 2013, the trial was halted in the middle of a prosecution witness's testimony after the defence raised an objection, arguing that the fiat from the Attorney-General of the Federation was specifically meant for Mr. Keyamo and not his representative.¹¹

The resumed hearing on 10 March 2014 also ended abruptly as the prosecution failed to provide relevant bank statements of the defendant. According to Keyamo, the IT Department of the bank where Fani-Kayode maintained an account between 2004 and 2008 – the period during which he served as minister – could not generate the statement despite a prior request.¹² Meanwhile, his defence lawyer tried to secure a long adjournment for continuation of the trial, but the judge rebuffed his tactics and insisted that the trial had dragged on for too long. Indeed, Mr. Keyamo blamed the delay on the defence's 'frequent objections', one of which was argued up to the Supreme Court.¹³ He also reportedly said that "Our witnesses are scattered all over the country",¹⁴ which pose additional logistical problems.

3.2.5 Mr. Francis Atuche and Others

In early 2013, the EFCC announced that it concluded plan to round off the ₦25 billion theft case instituted against former Managing Director of Bank PHB (now Keystone Bank), Mr. Francis Atuche and two others – Elizabeth Atuche and Ugo Anyanwu – but for the recall of two witnesses by the Court, just as the Agency was planning to close its case. According to the

¹¹ See Ben Ezeamalu, "Alleged money laundering: Absence of documents halts Fani-Kayode's trial", *Premium Times*, 10 Mar. 2014, available at www.premiumtimesng.com/news/156455-alleged-money-laundering-absence-documents-halts-fani-kayodes-trial.html.

¹² See *ibid.*

¹³ See *ibid.*

¹⁴ *Ibid.*

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Agency's Media and Publicity Unit, "The EFCC would have liked to conclude the on-going trial finally today, but as it were, we are handicapped by the court ruling on Monday, January 28, 2013, ordering the recall of two principal witnesses, Mr Diamond Uji and Mrs Elizabeth Ebi".¹⁵ Such recall of witnesses might be necessitated by the desire to prevent miscarriage of justice, but justice delayed is justice denied.

3.2.6 An Aberrant Example: The Case of Peter Odili

In 2007, EFCC launched an investigation against the former governor of Rivers State, Dr. Peter Odili alleging grand corruption. To frustrate EFCC, the governor filed a suit challenging the legality of the EFCC action¹⁶. To everyone's surprise, the former Governor successfully obtained judicial immunity against investigation, arrest and prosecution. The Court said the outcome of painstaking investigation of corruption by EFCC could not be used against the Governor because it infringed his fundamental rights. The Court curiously refused to distinguish between the period of constitutional immunity and private citizenship that is the period when the Plaintiff enjoyed constitutional immunity as a sitting governor and when he is out office and no longer enjoyed such privilege. The Court insisted that everything done while in office including alleged acts of corruption was done in official capacity.

The curious judgment ignored a previous Supreme Court decision¹⁷ that an incumbent Governor can be investigated though not prosecuted while in office because of the constitutional immunity enjoyed through section 308 of the 1999 Constitution. The unprecedented judicial immunity from investigation and prosecution granted the governor effectively frustrated EFCC from pursuing trial even as the innocence of the Governor was left hanging in the balance. Although the judgment was reportedly appealed by EFCC, not much progress has been made in this regard as the former Governor continues to parade the judicial immunity.

3.3 A Predictable Trend

The high profile cases documented in this report have followed the same trend of snail pace or hibernation. The trend is as follows -

1. Grand arrest and arraignment usually with proliferated charges running into hundreds of counts;
2. Accused pleads "Not Guilty" and is admitted to bail with concomitant judicial order that international passports be deposited with the court.
3. Once the accused gets bail, the game begins. The accused may first challenge the jurisdiction of the court even though the matter of jurisdiction is well settled by a long line of cases decided by the Supreme Court¹⁸
4. If challenge to jurisdiction fails as it often does, and the court insists on proceeding with the case a number of steps may be taken by the defense such as -
 - Appealing the ruling on jurisdiction immediately; or
 - Apply to transfer the case from the judge on grounds of bias; or
 - Apply to change defense counsel in order to gain time;
 - change defense counsel who immediately request adjournment to study the file;

¹⁵ "Atuche: Recalled Witnesses Delay Closure of EFCC Case", EFCC Media & Publicity Unit, 30 Jan. 2013, *available at* <http://efccnigeria.org/efcc/index.php/news/298-atuche-recalled-witnesses-delay-closure-of-efcc-case>.

¹⁶ Dr. Peter Odili vs AG Federation & EFCC, Suit No. FHC/PH/CS/1291/2007.

¹⁷ Fawehinmi vs Tinubu

¹⁸

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- Case enters period of incessant adjournments which ultimately takes it away from the radar of the media and public attention;
- 5. After a brief lull the defense files an application for release of the accused's international passport to travel overseas for medical or religious reason;
- 6. Court grants the application for release of passport sometimes without interrogating the propriety or otherwise of the reasons, For example, the court hardly considers number of adjournments at instance of defense that has delayed the case to the point that where it is;
- 7. Further delay follows the release of the passport;
- 8. If any of these applications is overruled a long appeal process follows
- 9. The likelihood of trial proceeding on substantive grounds gradually wanes as and may eventually be extinguished as witnesses may recant, lose memory or become inconsistent in testimony;
- 10. Defense may raise begin a campaign of bias, persecution, political trial etc. against prosecuting agency;
- 11. Prosecuting agency also begins to display signs of fatigue, frustration or even complicity;
- 12. Public and media apathy follows. The public no longer expect justice and may begin to accuse the prosecuting agency of incompetence, bias or other complicity.
- 13. Eventually case may be struck out for want of prosecution or the accused is eventually set free.

Most if not all the high profile cases covered in this research followed this pattern.

The Prosecuting agency often gives feeble challenge to applications for release of international passport. While the courts appear helpless to reign in the excesses of defense counsel. Most of the applications for release of international passport hinge on medical treatment abroad except for few that requested to perform religious obligation to take the pilgrimage

3.4 Power to the Accused

The frustration of high profile cases enables the accused do a number of things without restriction –

1. Clean up the crime trail. Given the weak investigating capacity of prosecuting agency partly due to poor funding and lack of capacity, poor record keeping culture and capacity of the accused to compromise the system it is possible to confuse or clean the trail to weaken the evidence. This possibility heightens because the prosecuting agency has been known to file charges before conclusion of investigation due to political pressure or in order to satisfy public expectation that something should be done;
2. The accused may “negotiate” a frustration of the main charges and stiffer sentence by various means including accepting the controversial plea bargain option for a slap on the wrist penalty for grand corruption;
3. Peddle political influence to pressure the prosecuting state agency into submission and obeisance. A number of accused persons on the high profile parade presently occupying dignifying political offices such as Ministers, Senators, Chair of political parties etc. A number are regular visitors to the seat of power or members of delegation to high level international meetings attended by top government functionaries. The body language is thus one of “un-touchability”.
4. Design strategies to influence or frustrate the case from proceeding e.g. by incessant change of counsel. Most of whom are senior members of the Bar like Senior Advocates of Nigeria.

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5. Influence transfer of judges and re-assignment of cases in order to force cases that have proceeded well to start afresh.

Psychological intimidation of the prosecuting agency and signals of subsisting political influence further confuse the public and lead to apathy.

Although the 1999 constitution guarantees in section 36 fair hearing to all persons and in particular section 36(5) guarantees presumption of innocence, the question is whether this constitutional guarantee should be abused by persons charged with grand corruption who deny the State of opportunity to prosecuting and conclude cases that establish either the innocence of the accused or his or her guilt. The inability of the State to establish one or the other of these diminishes the rule of law, aggravates corruption to a higher level as Nigeria continues to witness. More important is that it fuels impunity in the society.

3.5 Underfunding of Anti-Corruption Agencies

The inability, ineffectiveness, inefficiency and of course the delay in bringing to justice high profile personalities alleged of criminal misappropriation, money laundering and other forms of fraud is directly linked to the underfunding of anti-corruption agencies. It appears that the high profile defendants have more money at their disposal than the prosecuting agencies. In reality, the accused would appear to spend more money on the trial than the state considering the caliber of legal counsel retained by them. Most of the defence counsels are Senior Advocates of Nigeria who are generally believed to be very expensive to retain.

The magnitude of funding in the administration of criminal justice system cannot be over-emphasized with reference to access to justice. Recently, the EFCC representative while briefing the Senate Committee on Drugs, Narcotics, Financial Crimes and Anti-Corruption declared that the Commission had less than ₦2 million in its account. According to him “I could recollect when the committee paid us an oversight visit and I did make our financial position known to the committee. As at now, EFCC does not have ₦2 million in its account. We don’t have money....We have been complaining that no money has been released for us for operations...If we can afford to pay salary this month, that is all. That is the position under which we operate”¹⁹

The budget of the two leading anti-corruption agencies in the last past five years (2009 – 2013) namely: Economic and Financial Crime Commission (EFCC) and Independent Corrupt Practices and Other Related Offences Commission (ICPC) alongside their percentages of the total amount budgeted is as shown below.

YEAR	TOTAL BUDGET (₦)	EFCC ALLOCATION (₦)	%	ICPC ALLOCATION (₦)	%
2009	3,101,813,750,626	6,283,499,239	0.2%	2,288,971,594	0.1%
2010	4,427,184,596,534	7,681,976,779	0.2%	2,325,564,386	0.1%
2011	4,226,191,559,254	13,854,669,470	0.3%	3,878,472,373	0.1%
2012	4,877,209,156,933	10,607,150,473	0.2%	3,968,340,697	0.1%
2013	4,987,220,425,601	10,219,777,967	0.2%	4,405,276,495	0.1%

See “EFCC is broke – Executive Secretary Says Commission has less than N2m in its account”, Nigeria Tribune, December 17, 2013 available at www.tribune.com.ng/news2013/index.php/en/news/lead-stories/item/28746-efcc-is-broke-executive-secretary-says-commission-has-less-than-n2m-in-its-account.html

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HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP

Between 2011 and 2013, EFCC's budget declined by 26% although that of ICPC was marginally increased by 11%. Despite the much avowed claim and commitment of government to eradicate corruption, its budgetary allocation to key anti-corruption agencies is nothing to write home about. If we benchmark the total allocation to EFCC in five years (₦48,647,073,928) against the amount (₦1,354,132,400,000) it is trying to recover by prosecution, the futility of EFCC's ambition against high profile accused becomes obvious.

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HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP

**TABLE 1: HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP
(1999 – 2012)**

A. EX-GOVERNORS

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIALCOURT/ SUIT NO
1	Ayo Fayose, Former Governor of Ekiti State	Arraigned on 51 count charge of money laundering. Plea already taken but defence lawyer keeps filling frivolous applications for long adjournments to frustrate and prolong trial. Trial Ongoing.	₦1.2 Billion	Rotimi Jacobs	Federal High Court, Lagos FHC/L/179C/06
2	Joshua Dariye, Former Governor, Plateau State	Arraigned on 23 count charge of criminal misappropriation of public funds, embezzlement and criminal breach of trust. Pending at Supreme Court on issue of jurisdiction filed by the accused.	₦700 Million	Rotimi Jacobs	FCT High Court, Gudu, Abuja FCT/HC/CR/81/2007
3	Saminu Turaki, Former Governor, Jigawa State	Arraigned on 32 count charge of money laundering. Plea already taken but defence lawyer challenged court jurisdiction. Case stalled at HC while seeking stay of trial at appeal court. It is part of usual attempt to frustrate and prolong trial. Ongoing Trial.	₦36 Billion	Rotimi Jacobs	Federal High Court, Abuja FHC/ABJ/CR/86/2007
4	Orji Uzor Kalu Former Governor, Abia State	Arraigned on 107 count charge of money laundering. Appeal pending on the issue of jurisdiction by the accused	₦5 Billion	Rotimi Jacobs	Federal High Court, Abuja FFHC/ABJ/CR/56/2007
5	Jolly Nyame Former Governor of Taraba State	Arraigned on 21 count charge of criminal misappropriation of funds, embezzlement and criminal breach of trust. Plea already taken but case is stalled as defence lawyer challenged court jurisdiction. Lost at HC, Appeal court, now before Supreme Court. This is a typical example of frivolous appeals to buy time and prolong trial. Ongoing Trial.	₦180 Million	Rotimi Jacobs	FCT High Court 13, Gudu, Abuja FCT/HC/CR/82/2007
6	Chimaroke Nnamani Former Governor of Enugu State	Arraigned on 105 count charge of money laundering. Plea already taken but case is stalled as defence lawyer filed to transfer case to another judge on allegation of bias against trial judge even as counsel has again filed to challenge court jurisdiction. This is equally an attempt to prolong trial (trial to	₦5.3 Million	Kevin Uzozie & Co	Federal High Court, Lagos FHC/L/09C/2007

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		commence 23/09/13)			
7	Michael Botman Former Governor of Plateau State	Arraigned on 31 count charge of money laundering. Plea already taken but trial stalled due to suspect's ailment, on dialysis. Accused acquitted on 15/06/13.	₦1.5 Million	O.O. Fakunle, SAN	Federal High Court, Abuja FHC/ABJ/CR/126/08
8	Boni Hanura Former Governor, Adamawa State	Arraigned on 28 count charge of conspiracy and money laundering. Plea taken. Adoption of motion slated for Nov.	₦254 Million	Paul Erokoro, SAN	Federal High Court, Abuja FHC/ABJ/1CR/147/2008
9	Rasheed Ladoja Former Governor of Oyo State	Arraigned on 33 count charge of money laundering. Case at the Court of Appeal on the issue of jurisdiction by accused.	₦6 Billion		Federal High Court, Lagos FHC/L/336C/2008
10	Adamu Abdullahi Former Governor of Nasarawa State	Arraigned on 149 count charge. Suspect granted bail but court case slated for trial.	₦15 Billion		Federal High Court, Lafia, Nasarawa
11	Attahiru Bafarawa Former Governor of Sokoto State	Arraigned on 47 count charge of Criminal Breach of trust, dishonestly receiving stolen property, assisting in concealing stolen property, conspiracy, Criminal misappropriation, theft, forgery, cheating and continuance of nuisance. Ongoing trial, case adjourned to 10 th & 11 th /3/14 for hearing	₦15 Billion	Mr Uket (in house counsel)	Sokoto State High Court SS/33C/2010
12	Gbenga Daniel Former Governor of Ogun State	Arraigned on 16 count charge of fraudulent conversion of land, failure to clear assets, stealing and corruptly obtaining properties. Ongoing Trial.	-	Rotimi Jacobs	Ogun State High Court, Abeokuta AB/EFCC/02/2011
13	Abubakar Audu Former Governor of Kogi State	Arraigned on 80 count charge of money laundering, fraud and embezzlement. Ongoing Trial	₦4 Billion	Rotimi Jacobs	Kogi State High Court CR/115/2007
14	Danjuma Goje Former Governor of Gombe State	Arraigned on allegations of milking his state, money laundering. Trial is ongoing.	₦52 Billion	W.K. Shittu	Federal High Court, Gombe FHC/GM/CR/33C/2011
15	Alao Akala Former Governor of Oyo State alongside Hosea Agboola, former Commissioner for Local Government and Chieftaincy Matters (now a Senator) and Olufemi Babalola, a businessman	Arraigned on 11 count charge of conspiracy, illegal award of contracts, obtaining money by false pretence, acquiring property with money derived from illegal act and concealing ownership of such property. Ongoing Trial.	₦11.5 Billion	Obla & Co	Oyo State High Court I/5EFCC/2011
TOTAL			₦146,840,800,000.00		

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HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP

B. EX-MINISTERS

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Adenike Grange, Former Minister of Health	Arraigned on 56 count charge of conspiracy, criminal breach of trust, forgery. Plea already taken. Defence lawyers often seek long adjournments to prolong trial. Defendant was discharged but not acquitted. Appeals filed at the Court of Appeal.	₦300 Million	Pinheiro & Co	FCT High Court, Maitama FHC/HC/CR/48/2008
2	Prof. Babalola Borishade Former Minister of Aviation	Arraigned on 11 count charge of conspiracy, forgery, uttering & gratification in relation to Safetower project. Plea already taken and trial on-going. Prosecution witnesses under cross-examination.	₦6.5 Billion	S. Hon, SAN	FCT High Court, Maitama CR/09/2008
3	Femi Fani-Kayode Former Minister of Aviation	Arraigned on 47 count charge of money laundering. Case adjourned <i>sine die</i> pending determination of application by the prosecution to the CJ, that the matter be transferred to another court.	₦250 Million	Festus Keyamo & Co	Federal High Court, Lagos FHC/L/523C/2008
4	Mallam Nasir El-Rufai Former Minister of Federal Capital Territory	Arraigned on 8 count charge of abuse of office and gratification of the accused through his office. Plea not taken because suspect has refused to put in appearance and papers for extradition filed. Ongoing Trial.	-	Adebayo Adelodun & Co	FCT High Court, Abuja FCT/HC/CR/05/2010
TOTAL			₦7,050,000,000.00		

C. EX-LEGISLATORS

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Iyabo Obasanjo-Bello (Former Senator)	Arraigned on 56 count charge. Plea already taken but case stalled as defence lawyer filed to challenge charges. Application pending for determination. This is part of frivolous applications to delay trial.	₦10 Million		FCT High Court, Maitama
2	Senator Nicholas Ugbade, Senator Paulinus Igwe (Serving Senator) Hon. Ndudi Elumelu (Serving Members of House of Representatives), Hon. Mohammed Jibo, Dr. Aliyu Abdullahi,	Criminal breach of trust (Trial Ongoing). Also, Violations of the Public Procurement Act (Trial Ongoing). Plea taken while prosecution has filed more charges against suspects. Suspects filed to quash charges but application thrown	₦5.2 Billion	Both by Pinheiro & Co	FCT High Court, Abuja FCT/CCR/39/2009 Also Federal High Court, Abuja FHC/ABJ/87/2009

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	(Serving Permanent Secretary of the Ministry of Power), Mr. Samuel Ibi Mr. Simon Nanle Mr. Lawrence Orekoya Mr. Kayode Oyediji Mr. A. Garba Jahun (High Profile Public officers). This is the Rural Electrification Agency Case.	out by court.			
3	Hon. T. Faniyi, Albert Soje and Others	Arraigned on 30 count charge	₦ 3 Billion		Federal High Court, Abuja Justice David Okorowa
4	Herman Hembe and Chris Ifeanyi Azubogu – Chairman and Deputy Chairman of House of Representatives Committee on Capital Markets respectively	Arraigned on 2 count charge of conversion. Trial is stayed pending appeals filed by the accused persons on the issue of the High Court striking out their No Case Submission. Appeal has been reserved for judgment.	₦ 44 Million	Chile Okoroma (Ag. D, Legal & Pro Dept. EFCC)	FCT High Court, Abuja CR/77/2012
5	Farouk Lawan Former Chairman Ad hoc Committee on Fuel Subsidy Regime and Former Chairman of House of Representatives Committee on Education		₦ 96 Million		Federal High Court, Abuja
TOTAL			₦8,350,000,000.00		

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D. EX-PUBLIC SERVANTS (FEDERAL)

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Roland Iyayi Former Managing Director of FAAN	Arraigned on 11 state counts. Plea already taken. Trial on-going. Court taking prosecution witnesses testimony.	₦5.6 Million		FCT High Court, Maitama
2	Kenny Martins and Prince Ibrahim Dumuje - Police Equipment Fund	Arraigned on 28 count charge of conspiracy and breach of trust. Case Pending Appeal at The Supreme Court	₦774 Million	Festus Keyamo & Co	FCT High Court, Maitama FCT/HC/G/13/CR/66/2008
3	Prof. B. Sokan, Molkat Mutfwang Michael Aule Andrew Ekpanobi (All Directors) Alexander Cozman (MD, Intermarket Ltd.) This is the UBEC case where high profile public servants connived with an American, Alexandar Cozman) to defraud the Government	Arraigned on 64 count charge of diversion of funds. Accused persons were discharged and acquitted, appeal pending at the Court of Appeal.	₦636 Million	W.K. Shittu	Federal High Court, Abuja FHC/ABJ/CR/78/09
4	Dr. Ransome Owan Mr. Abdulrahman Ado Mr. Abdulrasak Alimi Mr. Onwuamaeze Iloeje, Mrs. Grace Eyoma Mr. Mohammed Bunu Mr. Abimbola Odubiyi This is the Nigeria Electricity Regulatory Commission case where the Former Chairman and his 6 Commissioners corruptly enriched themselves)	Arraigned on 196 count charge of criminal misappropriation and breach of trust. Plea taken. Trial billed to commence while more charges were filed against suspects.	₦1.5 Billion	Obla & Co.	Federal High Court, Abuja FCT/HC/CR/34/2009
5	Chief Joe Musa, DG National Gallery of Art, Olusegun Ogumba Chinedu Obi Oparagu Elizabeth Kweku Tandoh (All Directors of NGA)	Arraigned on 12 state counts. Plea taken and defence lawyer filed applications to stall trial but lost the bid. Matter adjourned for trial.	₦1.012 Billion		FCT High Court, Lugbe Justice Olukayode Adeniyi
6	Dr. Dayo Olagunju Ex. Secretary, National Commission	Arranged on 83 count charge of offences under the Public Procurement Act, Money	₦479 Million	Mike Bull & Co	Federal High Court, Abuja FHC/ABJ/111/20

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	for Mass Literacy, Adult and Non-Formal Education, Joshua Alao, Alice Abang, Jibrin Waguna, Ahmed Abubakar, Shehu Abdullahi, Dr. Victoria King-Nwachukwu, Adamu Khalid, Moses Oseni, Francis Awelewa & Bashir Suleiman	Laundering and Stealing. Plea taken and matter adjourned for trial.			09 Justice Anuli Chikere
7	Hamman Bello Hammed, Ex-CG Customs Hannatu Sulaiman, Tajudeen Olalere, Lukman Hussain, Popular Foods Ltd & Silver Maritime Shipping Coy Ltd.	Arraigned on 46 count charge for evasion of payment of custom duties. Plea taken. Matter adjourned for trial.	₦2.5 Billion	Mamoud, Dikko & Co., Rotimi Jacobs & Co.	Federal High Court, Lagos FHC/L/CS/270C/2009 Justice Ramat Mohammed
TOTAL			₦6,906,600,000.00		

E. EX-PUBLIC SERVANTS – STATE

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Dr. Yuguda Manu Kaigama Chairman, Taraba State Civil Service Commission	Arraigned on 37 state counts. Plea taken and matter adjourned for trial.	₦17 Million		Taraba State High Court, 5, Jalingo
2	Dr. Alber Ikomi, Rtd. Perm. Sec., his firm, Satellite Town Dev. Co. Ltd	Arraigned on 4 state count. Plea taken and matter adjourned for hearing	₦43 Million		Federal High Court, Ikoyi, Lagos
3	Nyeson Wike Serving Chief of Staff to Governor of Rivers State	Arraigned on 11 state counts. Court quashed charges. EFCC already appealed judgment. Appeal pending at Appeal Court.	₦4.670 Billion		FCT High Court, Maitama
4	Francis Okokuro Bayelsa State Accountant General	Arraigned on 6 count charge	₦2.4 Billion		Federal High Court, Abuja
5	Professor Innocent Chuka Okonkwo, Former VC Imo State University, Uchechi Nwugo & Wilfred Uwakwe	Arraigned on 14 count charge of conspiracy and misappropriation of funds. Plea taken and case adjourned for trial (Ongoing Trial).	₦145 Million	M.M. Mailumo & Co	Federal High Court, Abuja FHC/ABJ/CR/112/2009 Justice Mohammed Garba Umar
TOTAL			₦7,275,000,000.00		

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F. PRIVATE SECTOR (BANKING INDUSTRY)

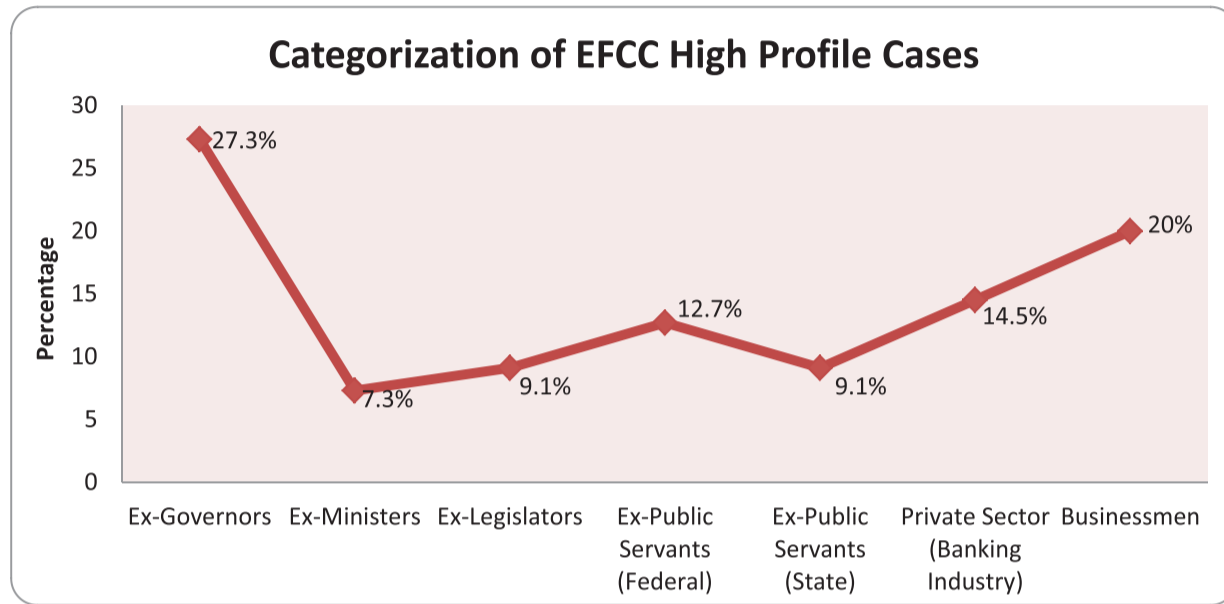
S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Four Senior Zenith Bank Managers	Arraigned on 56 state counts. Plea taken but case stalled over an injunction by Rivers State Government which is a party in the case to stop EFCC. Injunction being challenged at Appeal Court	₦3.6 Billion		Federal High Court, Port Harcourt
2	Dr. Bartholomew Former CEO, Union Bank Plc, Bassey Ebong, Henry Onyemem & Niyi Albert Opedu (Ex. Director, UBN)	Arraigned on 28 count charge of granting credit facilities above their authorized limits and without adequate security; and Failure to ensure correctness of monthly bank returns to CBN. Ongoing Trial. Plea taken and case adjourned. Ongoing Trial.	₦187.1 Billion	A.B. Mahmoud SAN, Kola Awodein SAN, & Ors	Federal High Court, Ikoyi, Lagos FHC/L/296C/2009 Justice Ajumogobia
3	Raymond Obieri (Former Chairman, Intercontinental Bank Plc), Hyacinth Enuha, Ikechi Kalu, C.A Alabi, Samuel Adegbite, Isyaku Umar, Sanni Adams	Arraigned on 18 county charge. Plea taken and case adjourned to Nov for trial	₦131.8 Billion		Federal High Court, Ikoyi, Lagos
4	Alex Nkenchor, Ex-Bank Manager, Ebi Odeigah & GMT Securities & Assets Nig. Ltd	Arraigned on 10 count charge. Plea taken and suspects still remanded in prison custody pending consideration of bail application	₦860 Million		Lagos High Court, Ikeja, Justice M. O. Obadina
5	Francis Atuche, Former CEO, Bank PHB	Arraigned on 26 count charge of conspiracy and forgery. Plea taken. Suspect challenged charges but court upheld charges. Matter set for trial.	₦80 Billion		Lagos State High Court, Ikeja. ID/76C/2013
6	Chief Osa Osunde, Former Chairman, Afribank and 4 Directors: Jibrin Isah, Isa Zailani, Chinedu Onyia and Henry Arogundade	Arraigned on 33 count charge.	₦55 Billion		Federal High Court, Lagos
7	Mr. Okey Nwosu, a former Managing Director of Finbank Plc (now First City Monument Bank), and three former Directors of the bank Dayo Famoroti, Danjuma Ocholi, Agnes Ebubedike	Arraigned on 26-count charge.	₦19.2 Billion		
8	Dr. Erastus Akingbola (former Chief Executive Officer of the Intercontinental Bank Plc, now Access Bank) and Bayo Dada of Tropics Finance Limited	Arraigned on 27-count charge.	₦47 Billion		Federal High Court, Lagos
TOTAL			₦524,560,000,000.00		

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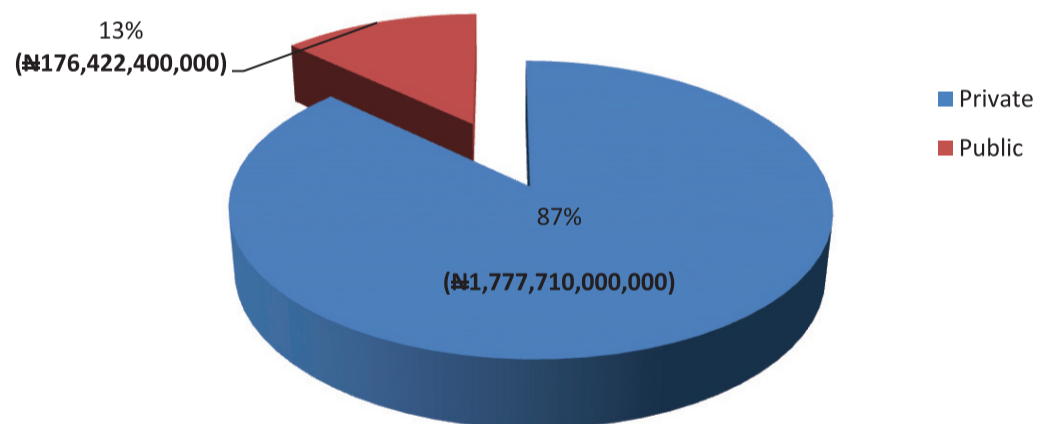
G. BUSSINESSMEN

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Elder George (Austrian Business Man)	Arraigned on 11 state counts. Plea already taken and trial ongoing. Prosecution witnesses undergoing cross-examination. Court granted suspect leave to travel abroad for medical treatment.	-		FCT High Court, Maitama
2	13 Filipinos (Charged for Oil Bunkering)	Arraigned on state counts, convicted at the close of trial and sentenced to 65 years altogether	₦300 Million		Federal High Court, Benin
3	6 Ghanaians (Charged for Oil Bunkering) and Nigerian accomplice	Arraigned on 2 state counts and trial commenced. Prosecution closed case, matter adjourned for defence to close.	₦250 Million		Federal High Court, Benin
4	Patrick Fernandez (Indian Businessman)	Arraigned on 56 count charge of forgery, uttering & defrauding of Wema Bank Plc. Plea already taken and trial ongoing.	₦32 Billion	Rotimi Jacobs	Federal High Court, Lagos FHC/L/455C/08
5	Tom Iseghohi Muhammed Buba Mike Okoli (GM & Managers of Transcorp Group (PLC))	Arraigned on 32 Count charge of money laundering. Plea taken. Matter adjourned. Trial Ongoing.	₦15 Billion	Mela Nunghe & Co.	Federal High Court, Abuja FHC/ABJ/CR/86/09
6	Sebastian Adigwe, Peter Ololo, Falcon Securities Ltd	Arraigned on 36 count charge of failure to ensure correctness of monthly bank returns to CBN. Plea taken and case adjourned. Ongoing Trial.	₦277.3 Billion	A.B. Mahmoud SAN, Kola Awodein SAN, & Ors	Federal High Court, Ikoyi, Lagos FHC/L/294C/2009
7	Oladele Shittu, CEO of Credence Investment	Arraigned on 136 count charge	₦139 Billion		Federal High Court, Kaduna Justice J. Mohd Shuaibu
8	Sunday Akinyemi, Former CEO, Texas Connection Ferries	Arraigned on 30 count charge	₦90 Billion		Lagos High Court, Justice J. Adebayo
9	Mahmud Tukur, Ochonogor Alex, Abdullahi Alao and Eterna Oil Plc	Arraigned on 9 count charge	₦1.8 Billion		-
10	Okey Nwosu	Arraigned on 11 count charge of failure to ensure correctness of monthly bank returns to CBN. Case stayed pending appeal	₦95.1 Billion	A.B. Mahmoud SAN, Kola Awodein SAN, & Ors	Federal High Court, Ikoyi, Lagos FHC/L/293C/2009 Justice Dan Abutu
11	Dr. Charles Silva Opuala	Arraigned on 6 count charge	₦2.4 Billion		Federal High Court, Abuja
TOTAL			₦653,150,000,000.00		

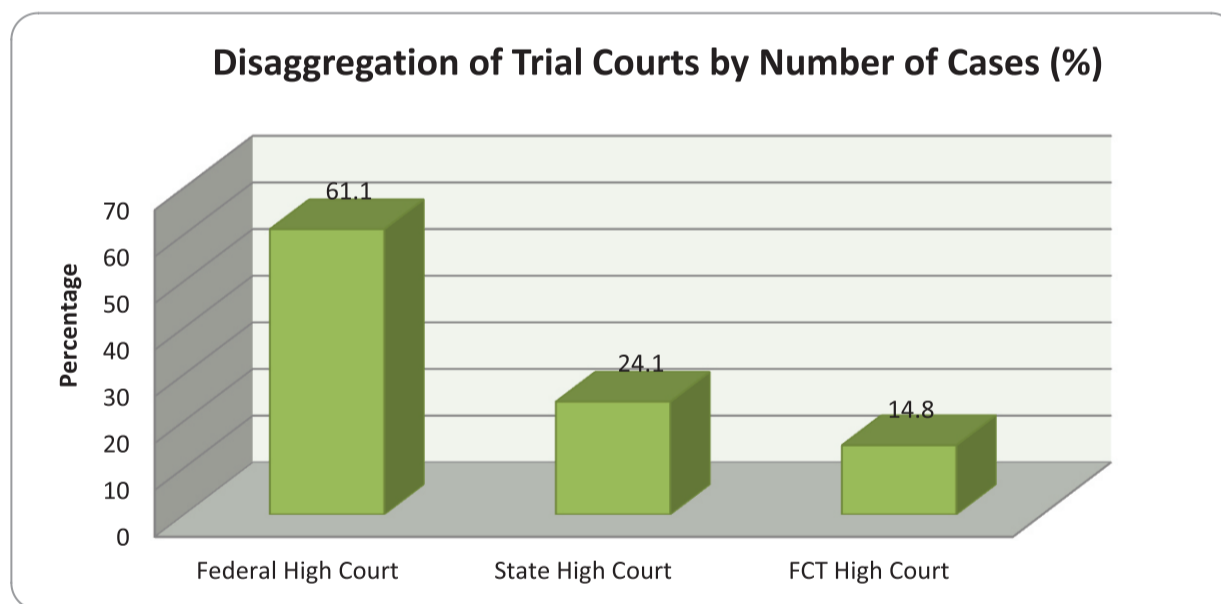
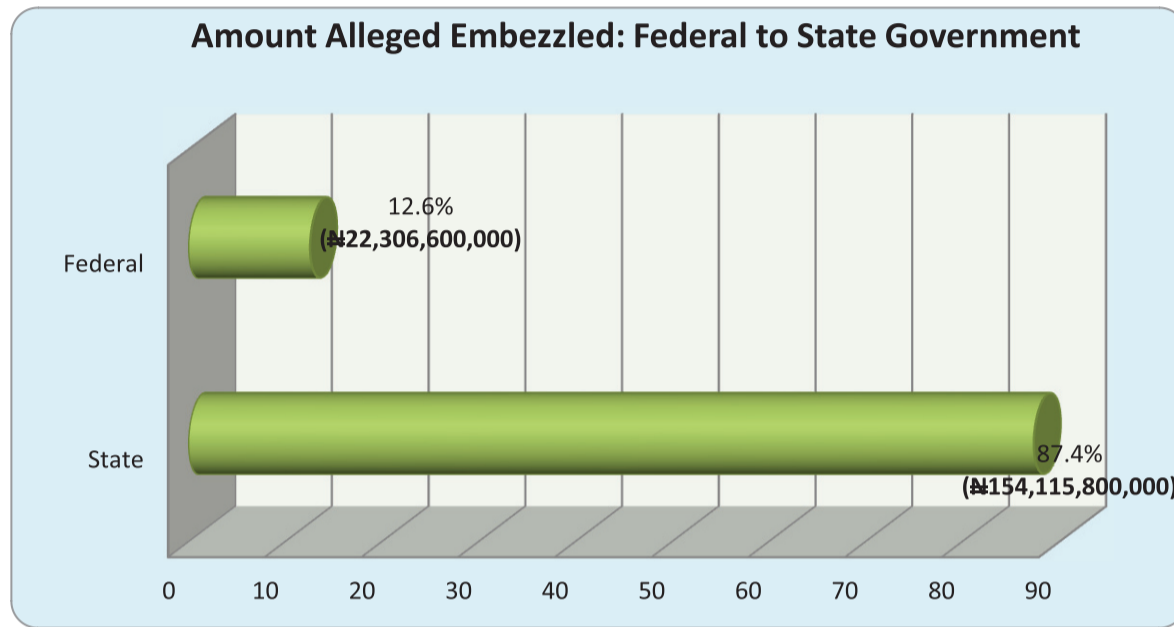
JUSTICE OR IMPUNITY?
HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP



Amount Alleged Embezzled: Public to Private Sector

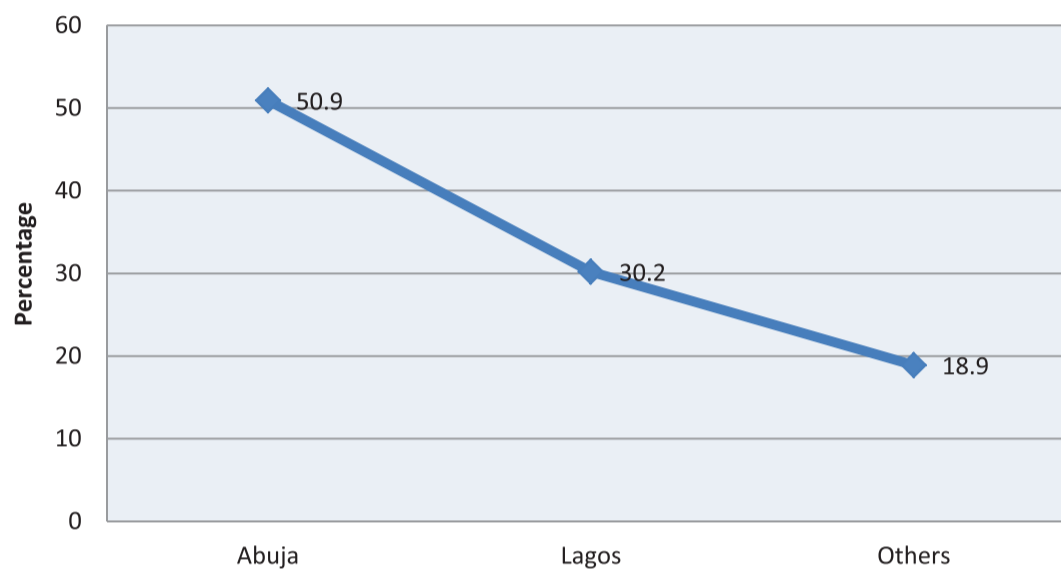


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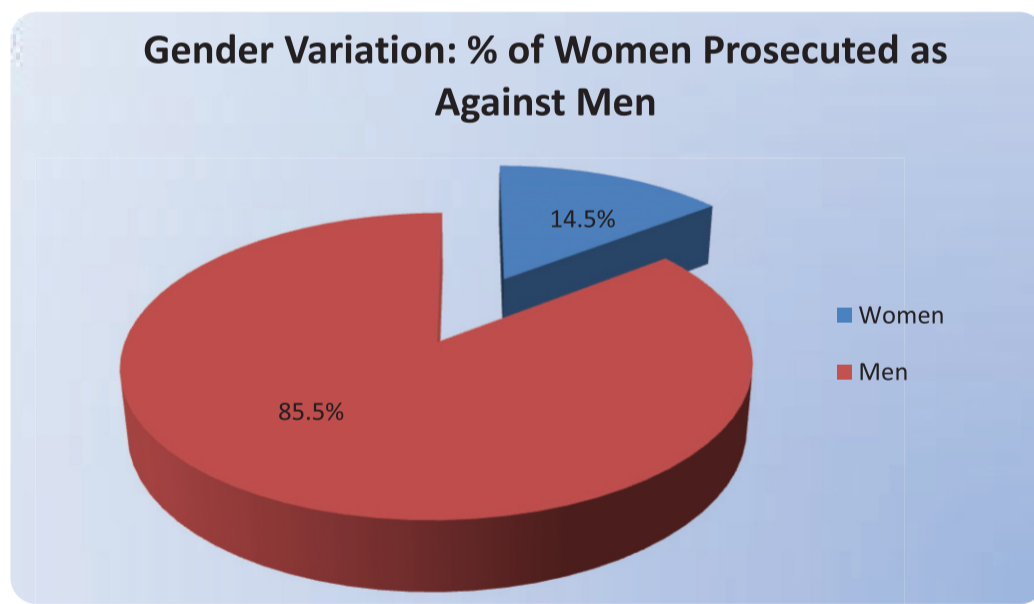


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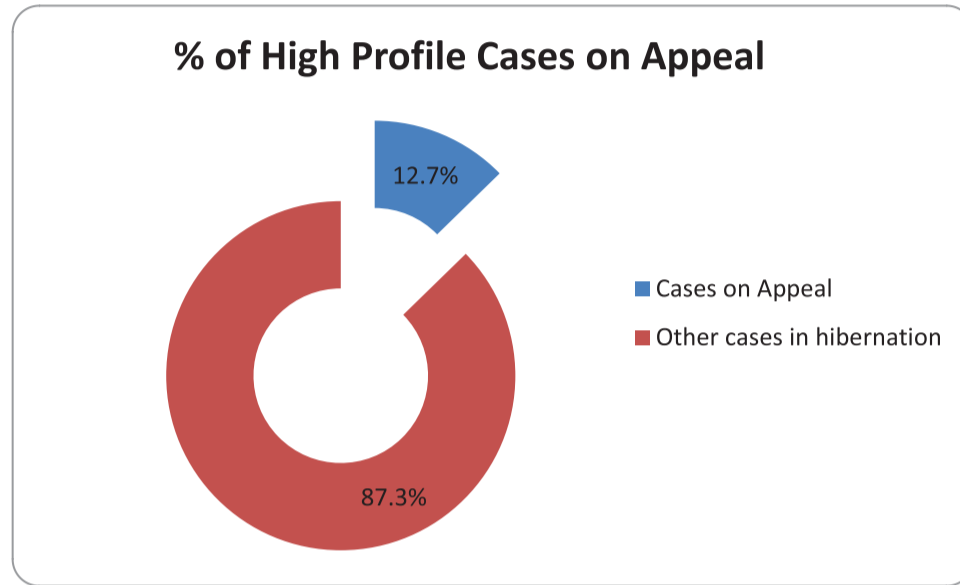
Disaggregation of Trial Courts by Location



Gender Variation: % of Women Prosecuted as Against Men



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TABLE 2: HIGH PROFILE CASES ON APPEAL

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Orji Uzor Kalu Former Governor, Abia State	Arraigned on 112 count charge of money laundering. Appeal pending on the issue of jurisdiction by the accused.	₦5 Billion	Rotimi Jacobs	Federal High Court, Abuja FFHC/ABJ/CR/56/2007
2	Jolly Nyame Former Governor of Taraba State	Arraigned on 21 count charge of criminal misappropriation of funds, embezzlement and criminal breach of trust. Lost at High Court, Appeal Court, now before Supreme Court.	₦180 Million	Rotimi Jacobs	FCT High Court 13, Gudu, Abuja FCT/HC/CR/82/2007
3	Rasheed Ladoja Former Governor of Oyo State	Arraigned on 33 count charge of money laundering. Appeal pending on the issue of jurisdiction by the accused.	₦6 Billion		Federal High Court, Lagos FHC/L/336C/2008
4	Adenike Grange, Former Minister of Health	Arraigned on 56 count charge of conspiracy, criminal breach of trust, forgery. Defendant was discharged but not acquitted. Appeals filed at the Court of Appeal.	₦300 Million	Pinheiro & Co	FCT High Court, Maitama FHC/HC/CR/48/2008
5	Herman Hembe and Azuguogu Ifeanyi – Chairman and Deputy Chairman House of Representatives Committee on Capital Markets respectively	Arraigned on 2 count charge of conversion. Appeal has been reserved for judgment.	₦44 Million	Chile Okoroma (Ag. D, Legal & Pro Dept. EFCC)	FCT High Court, Abuja CR/77/2012
6	Kenny Martins and Prince Ibrahim Dumuje - Police Equipment Fund	Arraigned on 9 count charge of conspiracy and breach of trust. Appeal pending at the Supreme Court.	₦774 Million	Festus Keyamo & Co	FCT High Court, Maitama FCT/HC/G/13/CR/66/2008
7	Prof. B. Sokan, Molkat Mutfwang Michael Aule Andrew Ekpanobi (All Directors) Alexander Cozman (MD, Intermarket Ltd.) This is the UBEC case where high profile public servants connived with an American, Alexandar Cozman) to defraud the Government	Arraigned on 64 count charge of diversion of funds. Accused persons were discharged and acquitted. Appeal pending at the Court of Appeal.	₦636 Million	W.K. Shittu	Federal High Court, Abuja FHC/ABJ/CR/78/09

IV. GENERAL RECOMMENDATIONS/ACTION PLANS

The following recommendations are aimed at a speedy prosecution of high-profile corruption cases in Nigeria. Of course, recommendations amount to nothing if the stakeholders to which they are directed are not prepared to make the requisite hard choices.

4.1 The National Assembly

- a) Pass a law to establish a Special Court for corruption and allied matters.
- b) Amend the EFCC Act and create a provision that will prevent interlocutory applications on EFCC cases from going beyond the Court of Appeal.
- c) Amend the Constitution to make the Commission funded directly from the Consolidated Account of the Federation, like other strategic federal institutions. This will allow the Agency to draw its funds on first line charge, without the approval or vetting of the executive.

4.2 The Chief Justice of Nigeria/National Judicial Council

- a) Pending the enactment of a law to establish special courts for corruption and allied matters, designate some courts in each relevant judicial division for handling of corruption cases
- b) Adopt special measures that will prevent incessant transfer of judges handling sensitive cases, including corruption cases.
- c) Promptly investigate and discipline judges alleged to have colluded with accused persons and their lawyers to truncate corruption trials.
- d) Hold periodic public hearings on the EFCC to bring its activities into regular public scrutiny.
- e) Resist transfer of judges handling high profile EFCC cases and issue practice directions to guide heads of courts and judges on how to expedite conclusion of cases.

4.3 The EFCC

- a) Periodically screen out non-performing lawyers from handling future prosecution of corruption cases, rather than what appears to be the current practice of permanent retainership.
- b) Provide official online information on the status of cases pending before courts, with monthly updates.
- c) Promptly report cases of deliberate frustrations of corruption cases by lawyers and judges to the relevant bodies for disciplinary measures.
- d) Create more opportunities for information sharing and other collaborative activities with civil society organisations.

4.4 The Civil Society/NGOs

- a) Launch public awareness campaigns to bring back high-profile cases to the front burner of public discourse.
- b) Name and shame lawyers and judges who conspire with accused persons to truncate corruption cases.
- c) Launch advocacy campaigns to the National Assembly in support of legislative to enhance EFCC's anti-corruption efforts.
- d) Use social media – facebook, tweeter, and *etcetera* – to mobilise the masses towards fighting impunity in Nigeria.

JUSTICE OR IMPUNITY?
HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP

APEENDIX 1
HIGH PROFILE CONVICTIONS

1. Emmanuel Nwude
2. Amaka Anajemba
3. Tafa Balogun
4. Diepreye Alamiyeseigha
5. John Yusufu
6. Cecilia Ibru
7. Lucky Igbinedon
8. Bode George (Absolved by Supreme Court)

Source: *Zero Tolerance: The Magazine of Nigeria's Economic and Financial Crime Commission. "EFCC @ 10 The Eagle Soars – Special Anniversary Edition, 2013.*

JUSTICE OR IMPUNITY?
HIGH PROFILE CORRUPTION CASES CRAWLING OR GONE TO SLEEP

APPENDIX II
2013 GENERAL CONVICTIONS



Economic and Financial Crimes Commission
NO. 5, FOMELLA STREET, OFF ADETUKUNBO ADEMOLA CRESENT, WUSE II, ABUJA, NIGERIA
Hot Lines: 09-7831798, 09-7831799; Website: www.efccnigeria.org EFCC Facebook/official, Twitter: @officialefcc,
Youtube: www.youtube.com/officialefcc

For the Records: 2013 CONVICTIONS

S/N	CHARGE NO	DATE FILED	OFFENCE	DATE OF CONVICTION	COURT/JUDGE	PARTIES/NAMES OF ACCUSED/ CONVICTS	VERDICT
1	FHO KD/160C/2008	18/11/2008	POSSESSION OF DOCUMENTS CONTAINING FALSE PRETENCE CONTRARY TO S.6 AND 8(B) OF THE ADVANCE FEE FRAUD AND RELATED OFFENCES ACT 2006 IN THE FHC.KD	8/2/2013	HON JUSTICE M.L. SHUAIBU	FRN V ATURU OLUWAFEMI VICTOR	SIX MONTHS IMPRISONMENT ON EACH COUNT AND THE JAIL TERM WAS TO RUN CONCURRENTLY FROM 8 TH FEBRUARY 2013.
2	FHCM0190200Q	4/3/2009	ATTEMPTING TO OBTAIN PROPERTY BY FALSE PRETENCE	8/2/2013	HON JUSTICE M.L. SHUAIBU	FRN V. MICHAEL ADEWUNMI LFASHOLE	SIX MONTHS FROM THE DATE OF JUDGMENT.
3	FHC/ABJ/CR/152/2012	26/11/2013	FALSE DECLARATION OF FUNDS	1/17/2012	HON JUSTICE ADAMU BELLO	FRN V. ABDULRASHEED IBRAHIM	FORFEIT 25% OF THE \$188,858 USD, TO BE PAID TO FED GOVT TREASURY.
4	CR/75/2008	13/2/2006	DISHONEST CONVERSION OF VARIOUS CUSTOMERS MONEY	28/1/2013	HON JUSTICE SADIQ UMAR	FRN V AKIN OLADIPUPO AND RAINBOW GLOBAL VENTURES LIMITED	SIX MONTH IMPRISONMENT ON 1 FIRST COUNT AND TWO YEARS IMPRISONMENT ON COUNTS TWO
5	FHC/KD/82C/2008	28/6/2008	POSSESSION OF A DOCUMENT CONTAINING FALSE PRETENCE	8/2/2013	HON JUSTICE M.L. SHUAIBU	FRN IBINI KAYODE	SIX MONTHS IMPRISONMENT
6	FHC/ABJ/CR/54/2012	28/3/2012	CRIMINAL MISAPPROPRIATION	201/2013	JUSTICE ABUBAKAR TALBA	FRN V. JOHN YAKUBU YUSUFU	N250,000.00 FINE ON EACH OF THE COUNT
7	FHC/KD/64C/2011	15/08/2011	OBTAINING MONEY UNDER FALSE PRETENCE	28/4/2013	HON JUSTICE M.L. SHUAIBU	FRN V IFEANYI ECHEBIRI & OGBUEFI SYLVESTER IFEANYI	SEVEN YEARS IMPRISONMENT OR EACH OF THE SEVENTEEN COUNT RUN CONCURRENTLY
8	8.CR/22/12	4/9/2012	CONSPIRACY TO FORGE AND FORGERY	5/18/2013	FCTHAH CRT. 9 FRN V EMEKA OKAFOR	NINE YEARS IMPRISONMENT ON EACH COUNT WITHOUT AN OPTION OF FINE AND TO RUN CONCURRENT	
9	9.A/50C/06	24/11/2005	CONSPIRACY TO STEAL AND STEALING	22/5/2013	UGH COURT, ABA, ABE STATE	FRN VOKOGBUJU URUM AND A-RAN PETROLEUM	THREE YEARS IMPRISONMENT WITH HARD LABOUR
10	CR/110/2008	12/5/2006	CONSPIRACY, THEFT, FORGERY AND USING AS GENUINE FORGED DOCUMENT	19/6/2013	COURT15 FCT HIGH COURT	FRN V JAMES ADDLE & JERRY ONUOHA	THREE YEARS IMPRISONMENT OR ALL THE COUNTS EXCEPT COUNTS 5, 8, 48 WIFTIOUT TIE OPTION OF FINE
11	KTH/BC/2009	06/11/2008	POSSESSION OF DOCUMENTS CONTAINING FAKE INFER MA IAN	15/7/2013	KATSINA STATE HIGH COURT	FRN V JAMES ADDLE & JERRY ONUOHA	THREE YEARS IMPRISONMENT WITH HARD LABOUR

JUSTICE OR IMPUNITY?
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2013 EFCC CONVICTIONS							
S/N	CHARGE NO	DATE FILED	OFFENCE	DATE OF CONVICTION	COURT/JUDGE	PARTIES/NAMES OF ACCUSED/ CONVICTS	VERDICT
12	PLD/J/30C/2009	10/6/2009	CRIMINAL CONSPIRACY ATTEMPT TO OBTAIN MONEY BY FALSE PRETENCES AND IMPERSONATION	11/7/2013	HIGH COURT OF JUSTICE, JOS PLATEAU SLATE	FRN V MOHAMMED UMAR	SEVEN YEARS IMPRISONMENT LEAD WITHOUT AN OPTION OF FINE ON COUNTS 1 AND 2, ON COUNT 3 THREE, THE ACCUSED WAS FOUND GUILTY AND SENTENCED TO 1 YEARS IMPRISONMENT WITH AN OPTION A FINE OF N50,000.00 (FIFTY THOUSAND NAIRA ONLY).
13	FHC/MN/CR/1/2011	25/10/2011	CONSPIRACY AND OBTAINING MONEY UNDER FALSE PRETENCE	11/1/2013	FEDERLA HIGH COURT 1, MINNA, NIGER STATE	FRN V OWOLABI ADEWALE	TWO YEARS IMPRISONMENT ON COUNT 1 AND 3 WITH HARD LABOUR THE SENTENCE IS TO COMMENCE ON THE 1/11/2013. BUT ACQUITTED OF COUNTS 3.
14	FHC/KD/98C/2012	5/12/2012	CONSPIRACY AND OBTAINING MONEY UNDER FLASE PRETENCE	11/1/2013	FEDERLA HIGH COURT 1 KADUNA STATE	FRN V SAM GWANDU	SEVEN YEARS IMPRISONMENT ON EACH COUNT TO RUN CONCURRENTLY FROM THE DATE OF ARREST
15	FHC/AFT/VCR/80/11	10/6/2001	CRIMINAL CONSPIRACY AND BEING IN UNLAWFUL DOS SESSION OFFICE UNITED STATES CURRENCIES	16/12/2013	FHC & ABUJA	FRN V ALI SAIDU AND NARU SANI	5 YEARS IMPRISONMENT
16	L/EFCC/2/2013	28/10/2013	OBTAINING BY FALSE PRETENCE, FORGERY AND UTERING	13/12/2013	HIGH COURT 2 BENIN	FRN V ESOSA AKONEDO JUSTICE	1 YEAR IMPRISONMENT ON EACH OF THE 5 COUNTS OR IN 20,000 ON EACH OF THE 5 COUNTS
17	CR/09/2007	10/10/2007	PERSONATING A PUBLIC SERVANT AID ATTEMPT TO	10/12/2013	FCT HIGH COURT 14	FRN V SAMUEL Z. BINDE (ALIAS AUSTIN SAMUEL)	1 YEAR IMPRISONMENT
18	KDH/Z/L/08C/13	15/5/13	CRIMINAL BREACH OF TRUST	19/6/13	HCT1. ZARIA	FRN V DAVID DANJUMA GWANI	6 MONTHS IMPRISONMENT OR OPTION OF N250,000.00
19	SS/23C/2011	18/10/2011	CRIMINAL BREACH OF TRUST	23/4/13	HCT SOKOTO	FRN V ESTHER ALAGBA	3 MONTH IMPRISONMENT OR N500,000.00 FINE ON EACH OF THE COUNTS
20	K/EFCC/15/2010	22/03/2010	MISAPPROPRIATION	29/4/13	HCT 16 KANO	FRN V. BENSON UKUM	1 YEAR IMPRISONMENT OR N500,000.00 AND FORFEITURE OF BAIL BOND
21	FHC/GV12C/2012	3/21/2012	WILLFUL OBSTRUCTION OF AUTHORISED OFFICERS	26/3/13	FHC GUSAU	FRN V. ALYU IDRIS	9 MONTHS IMPRISONMENT OR N120,000.00 FINE
22	B/HC/FRN/11/11	12/V/2011	OBTAINING BY FALSE PRETENCE	9/3/2013	HCT KEBBI	FRN V. MIRE LOVE AHMED	7 YEARS IMPRISONMENT
23	K/EFCC/06/11	21/03/2012	OBTAINING MONEY UNDER FALSE PRETENCE	24/6/13	HCT, 15, KANO	FRN V. ABU YUSUF AKA ABU USMAN	1 YEAR IMPRISONMENT
24	E/113C/2012	4/11/2011	OBTAINING BY FALSE PRETENCE, FORGERY BI UTERINE	13/06/2013	HC ENUGU	FRN V. GODE MBACHU	TWO YEARS IMPRISONMENT
25	CR/416/2008	11/7/2008	USE OF PREMISES & NON REGISTRATION	17/6/2013	FHC AWKA	FRN V. GABRIEL ARINSE	REPRIMANDED
26	LCD/131/2012	27/07/2012	OBTAINING MONEY UNDER FALSE PRETENCE	21/11/2013	HC, LAGOS	FRN V. JEJE OLANIRAN	1 YEAR IMPRISONMENT & RESTITUTION
27	LCD/131/12	27/07/2013	FORGERY OF FOREIGN MONEY ORDER 2	1/01/2013	HC, LAGOS	FRN V. AKANNI RASHEED	3 YEARS IMPRISONMENT
28	FHC/ASB/29C/11	21/7/11	BANKING SCAM/7/2013	1/7/2013	FHC, ASABA	FRN V. MUSTARD SEED MICRO INVESTMENT	10 YEARS IMPRISONMENT
29	D/377C/11	22/1/13	ATTEMPT TO OBTAIN BY FALSE PRETENCE, FORGERY AND UTERING	2/6/2013	HC, LAGOS	FRN V. SARAH AKPAN	7 YEARS IMPRISONMENT
30	ID/193C/12	13/11/12	CONSPIRACY AND ATTEMPT TO OBTAIN BY FALSE PRETENCE 2	3/01/2013	HC, LAGOS	FRN V. DAVE AKANNI JOEL & DAVID OMOWUNMI	1 YEAR IMPRISONMENT

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2013 EFCC CONVICTIONS							
S/N	CHARGE NO	DATE FILED	OFFENCE	DATE OF CONVICTION	COURT/JUDGE	PARTIES/NAMES OF ACCUSED/ CONVICTS	VERDICT
31	ID/42C/2008	07/01/2008	FORGERY	2/6/2013	HC, LAGOS	FRN V. SARAH AKPAN	7 YEARS IMPRISONMENT
32	FHC/18C/2009	02/09/2009	CONSPIRACY TO TAMPER WITH OIL PIPELINE FOR TRANSPORTATION OF PETROLEUM	1/2/2013	FHC, LAGOS	FRN V. EMILOJU ABIODUN	15 YEARS IMPRISONMENT
33	ID/177C/2011	23/05/2011	OBTAINING BY FALSE PRETENCE 1	8/02/2013	HC, IKEJA	FRN V. VERA OGBONNA	7 YEARS IMPRISONMENT
34	ID/48C/2008	06/09/2008	CONSPIRACY AND OBTAINING BY FALSE PRETENCE	31/01/2013	HC, IKEJA	FRN V. OLUWATOSIN ADEBISI MICHAEL	8 YEARS IMPRISONMENT
35	FHC/L/36C/13	27/3/13	MONEY LAUNDERING	3/6/2013	FHC, LAGOS	FRN V. CHUKWUONO NNAEMEKA	25% OF UNDECLARED SUM FORFEITED TO FGN
36	LCD/125C/12	23/10/2012	FOREGERY OF FOREIGN MONEY ORDER/CHEQUES	13/02/2013	HC, LAGOS	FRN V. AYODELE BABALOLA	9 YEARS IMPRISONMENT
37	ID/63C/2008	201	OBTAINING BY FALSE PRETENCE 1	3/02/2013	HC, LAGOS	FRM V. ELIHA WILLIAMS	6 MONTHS IMPRISONMENT
38	ID/296C/12	06/06/2013	OBTAINING BY FALSE PRETENCE	3/6/2013	HC, LAGOS	FRN V. OKONTA VINCENT CHINEDU	2 YEARS IMPRISONMENT
39	FHC/L/168C/13	24/04/2012	MONEY LAUNDERING	5/8/2013	FHC, LAGOS	FRN V. FATAI APAMPA ADESINA	FORFEITURE OF \$140,000.00 TO FGN
40	FHC/L/79C/13	01/03/2013	MONEY LAUNGERING	5/7/2013	FHC, LAGOS	FRN V. AKINNOYE ABIOLA OLUWAFUNKE	FORFEITURE OF \$51,205.00 TO FGN
41	B/EFCC/1C/06	25/07/06	OBTAINING BY FALSE PRETENCE	5/3/2013	HC, BENIN	FRN V. FREDICK IGBOVBOA & ANO	7 YEARS IMPRISONMENT
42	LCD/5313	4/3/2013	STEALING & FORGERY 2	2/05/2013	FHC, LAGOS	FRN OLANIYI KEHINDE, OGUNJIMIN SUNDAY, FREDICK OHIAERI	3 MONTHS IMPRISONMENT
43	LCD/01/2013	7/1/2013	OBTAINING BY FALSE PRETENCE 2	5/03/2013	HC, LAGOS	FRN V. IMMACULATE AZIEGBEMI	1 YEAR IMPRISONMENT
44	ID/24C/2013	7/5/2013	OBTAINING BY FALSE PRETENCE 2	5/03/2013	HC, LAGOS	FRN V. OLAOLU SALAU	7 YEARS IMPRISONMENT AND RESTITUTION
45	FHC/L/62C/2006	5/4/2006	CONSPIRACY, FORGERY UTTERING OF US POSTAL ORDERS	27/5/2013	FHC, LAGOS	FRN V. PETER NOSA IYEN	60 YEARS & 5 YEARS IMPRISONMENT TO RUN CURRENTLY
46	I/2EFCC/2013	07/06/2013	OBTAINING BY FALSE PRETENCE 2	5/06/2013	HC, IBADAN	FRN V. AKINLUYI AKINTUNDE (AKA AKIN CINDY)	3 YEARS IMPRISONMENT
47	FHC/L/87C/2011	24/2/2011	ILLEGAL OPERATION OF PREMIUM MOTOR SPIRIT	5/3/2013	FHC, LAGOS	FRN V. GUAN P IN MANG & 2 OTHERS	2 YEARS IMPRISONMENT
48	ID/162C/2006	20/11/2006	CONSPIRACY & OBTAINING BY FALSE PRETENCE	1/7/2013	HC, LAGOS	FRN V. OLARENWAJU	9 YEARS AND 7 MONTHS IMPRISONMENT
49	K/EFCC/05/2011	30/06/2011	FAILURE OF SURETY TO PRODUCE ACCUSED PERSON	14/05/2013	HCT KN	FRN V. PATRICK AKOR	6 MONTHS IMPRISONMENT OR FOREFEITURE OF N200,000.00 BAIL BOND
50	K/EFCC/8/2013	27/3/2013	CRIMINAL CONS PIRACY AND OBTAINING BY FALSE PRETENCE	24/6/13	HC KANO	FRN V ABUBAKAR SAADIQ MAIGASKIYA & 3 ORS	1 ST ACCUSED SENTENCED TO 6 MONTHS IMPRISONMENT OR N50,000.00 FINE ON 1 ST COUNT, 4 MONTHS IMPRISONMENT OR N100,000 FINE ON 2 ND COUNT, 6 MONTHS IMPRISONMENT OR N100,000.00 FINE ON 3 RD COUNT, 6 MONTHS IMPRISONMENT OR N150,000.00 FINE ON 4 TH COUNT. 2 ND ACCUSED SENTENCED TO 6 MONTHS IMPRISONMENT OR N100,000 FINE ON 1 ST COUNT, 6 MONTHS IMPRISONMENT OR N50,000.00 ON 4 TH COUNT, 3 RD ACCUSED SENTENCED TO 6 MONTHS IMPRISONMENT OR N80,000.00 ON 1 ST COUNT & 6 MONTHS IMPRISONMENT OR N50,000.00 FINE ON 4 TH COUNT

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2013 EFCC CONVICTIONS							
S/N	CHARGE NO	DATE FILED	OFFENCE	DATE OF CONVICTION	COURT/JUDGE	PARTIES/NAMES OF ACCUSED/ CONVICTS	VERDICT
51	ID/69C/2008	24/6/2009	OBTAINING BY FALSE PRETENCE	8/7/2013	HC, LAGOS	FRN VS OLUSEGUN AGBANIMU AND SUNDAY SAMUEL OMENGOR	(FOR 1 st ACCUSED) AND 6 MONTHS IMPRISONMENT (FOR 2 nd ACCUSED) 7 YEARS IMPRISONMENT
52	ID/72C/2011	9/3/2011	OBTAINING BY FALSE PRETENCE	25/7/2013	HC LAGOS	FRN V PRINCE BAYO LAWAL & ANO	5 YEARS IMPRISONMENT AND RESTITUTION OF N62,573,000.00 TO VICTIMS
53	FHC/KN/CR/196/2012	12/12/2013	MONEY LAUNDERING	15/01/2013	FCH 2 KANO FATU RIMAN J.	FRN VS LDRIS HAMZA	FORFEITED \$12,000
54	FHC/KN/CR/193	12/12/2012	MONEY LAUNDERING	15/01/2013	FCH 2 KANO FATU RIMAN J.	FRN VS UMAR MUSA KIBIYA	FORFEITED \$20,000
55	FHC/KN/CR/210/2012	12/12/2012	MONEY LAUNDERING	15/01/2013	FCH 2 KANO FATU RIMAN J.	FRN VS BASHIR ABDU	FORFEITED \$65,000.00
56	K/EFCC/01/2010	23/10/2012	CHEATING	22/01/2013	HCT KANO	FRN V AUWAL IBRAHIM HASSAN	FORFEIT N100,000.00 OR 3 YEARS IMPRISONMENT
57	K/EFCC/05/2010	23/12/2012	CHEATING	22/01/2013	HCT KANO	FRN VS IBRAHIM HAMISU	FORFEIT N100,000.00 OR 3 YEARS IMPRISONMENT
58	K/EFCC/08/2009	21/1/2010	CONSPIRACY, CONVERSION AND CHEATING	5/2/2013	HCT KANO	FRN VS ABDU HARUNA & SANI HARUNA	6 MNTHS IMPRISONMENT FOR 1 & 2 COUNTS: PAYMENT OF N7,200,000.00 OR 2 YEARS IMPRISONMENT AS RESTITUTION
59	K/EFCC/13/2013	27/12/2012	OBTAINING BY FALSE PRETENCE	31/01/2013	HCT 13 KANO	FRN VS AUWAI IBRAHIM	3 YEARS IMPRISONMENT OR OPTION OF FINE N250,000.00
60	K/EFCC/16/2011	20/1/2012	FAILURE TO PRODUCE ACCUSED PERSON	22/01/2013	HCT KANO	FRN VS MU'AZU MOHAMMED & USMAN MOHAMMED	6 MONTHS IMPRISONMENT OR OPTION OF N300,000.00
61	K/EFCC/12/2012	13/12/2012	OBTAINING BY FALSE PRETENCE	11/2/2013	HCT 6 KANO	FRN VS NATHANIEL ABU TOR	6 MONTHS IMPRISONMENT OR N20,000.00 FHE
62	K/EFCC/05/2011	30/6/11	USING AS GENUINE A CERTAIN DOCUMENT	13/02/2013	HCT 10 KANO	FRN VS UGOJI UGOJI THEOPHILUS	9 MONTHS IMPRISONMENT OR N200,000.00 FINE
63	K/EFCC/09/2012	9/10/2012	CONSPIRACY, MISAPPROPRIATION & FORGERY	21/2/2013	HCT 9 KANO	FRN V FUNSHO OLALETE & ABIOLA P. AYOADE	23 MONTHS IMPRISONMENT & N410,000 FINE & N700,000 RESTITUTION
64	K/EFCC/02/2011	15/7/2011	OBTAINING BY FALSE PRETENCE	26/2/2013	HCT KANO AISHA MAHOUD J.	FRN V UGOJI T. UGOJI	2 YEARS IMPRISONMENT OR N100,000 FINE
65	FHC/ASB/3C/2010	4/2/2010	ILLEGAL DEALING IN PETROLEUM PRODUCT	8/1/2013	FED. HIGH COURT ASABA	FRN V HELEN ITEM OA & ANOR	6 YEARS IMPRISONMENT OR AN OPTION OF FINE OF N600,000 FINE AND THE TRUCK WITH REG. NO. XN 789 ENU LOADED WITH ABOUT 136 DRUMS OF PETROLEUM PRODUCT (AGO) FORFEITED TO FGN
66	TRSI/49C/2011	27/7/2011	OBTAINING BY FALSE PRETENSE	26/03/2013	HC, JALH	FRN V MAIGARI BELO IBRAHIM T.	9 YEARS IMPRISONMENT OR N75,000.00
67	ID/42C/2008	01/07/2008	CONSPIRACY & OBTAINING BY FALSE PRETENCE	02/06/2013	HC LAGOS JUSTICE OLOKOBA	FRN V SARAH AKPAN	7 YEARS IMPRISONMENT
68	FHC/6M/36C/2013	13/11/2013	COUNTERFEIT OF CURRENCY	29/11/2013	FHC GOMBE	FRN V MARK THOMAS	2 YEARS IMPRISONMENT
69	FHC/TRST/2C/12	29/6/2012	OBTAINING BY FALSE PRETENCE	22/04/2013	FHC, JALINGO	FRN V DANIEL DAN FULANI & ANO	6 MONTHS IMPRISONMENT
70	LD/69C/2010	5/8/2010	OBTAINING BY FALSE PRETENCE	29/4/2013	HC LAGOS	FRN V ARUNA MUNIRU ADESHINA	5 YEARS IMPRISONMENT
71	ID/38C/2010	26/4/2010	OBTAINING BY FALSE PRETENCE	29/4/2013	HC LAGOS	FRN V ARUNA MUNIRU ADESHINA	7 YEARS IMPRISONMENT
72	ID/159C/2011	6/6/2011	STEALING, FORGERY, ISSUANCE OF DUD CHEQUE	11/7/2013	HC LAGOS	FRN V AYOOIA S. COKER INVESTMENT	2 YEARS IMPRISONMENT
73	M/18W/2012	5/10/2012	OBTAINING BY FALSE PRETENCE	17/6/2013	HC LAGOS	FRN V SOLOMON ROLAND UZOR	6 MONTHS IMPRISONMENT
74	ID/185C/2012	5/10/2012	OBTAINING BY FALSE PRETENCE	17/6/2013	HC LAGOS	FRN V JUVENTUS NONSO LLODI	6 MONTHS IMPRISONMENT
75	LCD/228/2013	31AK/2013	STEALING & FORGERY	4/10/2013	HC LAGOS	FRN V LAWAN QASIM	6 MONTHS IMPRISONMENT
76	ID/252C/2012	5/12/2012	OBTAINING BY FALSE PRETENCE	17/10/2013	HC LAGOS	FRN V PROGRESS UMOERA & ANO	18 MONTHS IMPRISONMENT
77	D/137E/12	13/6/2013	OBTAINING BY FALSE PRETENCE	29/10/2013	HC LAGOS	FRN V JIDE YINKA	12 MONTHS IMPRISONMENT & N356,000.00 RESTITUTION
78	B/195/2013	30/10/2013	OBTAINING BY FALSE PRETENCE	11/11/2013	HC LAGOS	FRN V JUNIOR WILLIAM	7 MONTHS IMPRISONMENT
79	LD/44C/2010	18/11/2010	OBTAINING BY FALSE PRETENCE	18/11/2013	HC LAGOS	FRN V OLABAMIJI MICHAEL KAYODE	15 YEARS IMPRISONMENT

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2013 EFCC CONVICTIONS							
S/N	CHARGE NO	DATE FILED	OFFENCE	DATE OF CONVICTION	COURT/JUDGE	PARTIES/NAMES OF ACCUSED/ CONVICTS	VERDICT
80	D/299C/13	25/10/2013	FORGERY	18/11/2013	HC LAGOS	FRN V SEGUN OLUFEMI	3 YEARS IMPRISONMENT
81	FHC/L/CS/346C/13	25/11/2013	OBTAINING BY	25/11/13	FHC, LAGOS	FRN V AUGUSTINE ONWE	FORTIFIED N2,000,000.00
82	ID/300C/13	5/9/2013	FORGERY	3/12/2013	HC, LAGOS	FRN V GODWIN OMOSUYI	8 MONTHS IMPRISONMENT
83	ID/237C/13	21/11/2012	CONSPIRACY, ATTEMPT TO STEAL AND UTTERING	18/12/2013	HC, LAGOS	FRN V AJAGBE OMOTAYO & ANO	1 YEAR AND 6 MONTHS IMPRISONMENT
84	I/3EFCC/2013	7/6/2013	OBTAINING BY FALSE PRETENCE	20/12/13	HC, IBADAN	FRN V JOHN AUDU KANU	14 YEARS IMPRISONMENT
85	ID/87C/2013	7/6/2013	OBTAINING BY FALSE PRETENCE	8/10/2013	HC, LAGOS	FRN V BENJAMIN OTUORIMUO	6 MONTHS IMPRISONMENT & RESTITUTION OF \$4,016.25
86	ID/HOW/4EFCC/12	24/09/2011	OBTAINING & FRAUDULENT USE OF PREMISES	7/12/2013	HC, OWERRI	FRN V NWAKA OZICHI BIAISE	7 YEARS & 3 YEARS IMPRISONMENT
87	CR/082/2012	22/6/2012	OBTAINING BY FALSE PRETENCE & POSSESSION OF SCAM DOCUMENTS	28/11/13	FHC, ENUGU	FRN V ONYIA IFEANYI	
88	CR/340/2011	25/11/2011	TRANSACTION OF BANKING BUSINESS WITHOUT A VALID LICENCE 2	8/11/2013	FHC, ENUGU	FRN V EDITH NKUNITE EGBUJE & ANO	6 MONTHS IMPRISONMENT OR N150,000.00 FINE & 1 MONTH IMPRISONMENT OR N50,000.00 FINE
89	FCT/HC/CR/07/06	09/09/2013	OBTAINING BY FALSE PRETENCE	8/10/2013	FCT HC, ABUJA	FRN V JOSEPH MORAH	10 YEARS IMPRISONMENT
90	FHC/LK/26C/2011	21/03/2011	CONVERSION	13/11/2013	FHC, LOKOJA	FRN VENESI JIMOH SULIEMAN	6 MONTHS IMPRISONMENT
91	CR/224/2012	29/4/2013	OBTAINING BY FALSE PRETENCE	7/10/2013	FHC, ENUGU	FRN V JELILI GBENGA	6 MONTHS IMPRISONMENT
92	CR/085/2011	8/1/2013	OBTAINING BY FALSE PRETENCE 2	4/10/2013	FHC, ENUGU	FRN V OYEKANMI ADEWALE	2 YEARS IMPRISONMENT
93	FHC/B/69C/2013	10/7/2012	IMPERSONATION, FORGERY, CONSPIRACY, MONEY LAUNDERING & OBTAINING BY FALSE PRETENCE	8/11/2013	FHC, BENIN	FRN V NOSA AGHO	3 YEARS IMPRISONMENT
94	CR/153/2008	11/2/2010	CONSPIRACY, VANDALISM AND ILLEGAL BUNKERING	19/11/2013	FHC, OWERRI	FRN V HENRY THOMAS & ANO	5 MONTHS IMPRISONMENT
95	FHC/PH/229C/2013	18/11/2013	IMPERSONATION, FORGERY, POSSESSION OF SCAM DOCUMENTS, CONSPIRACY & OBTAINING BY FALSE PRETENCE	2/12/2013	FHC, PH	FRN V OKOLIE EMMANUEL EMEKA & 2 ORS	4 MONTHS IMPRISONMENT
96	FHC/GS/11C/2012	21/03/12	WILLFUL OBSTRUCTION OF AUTHORIZED OFFICERS 2	6/03/2013	FHC GUSAU	FRN V ALIYU MUSA & 2 ORS	6 MONTHS IMPRISONMENT OR FINE OF N100,000.00
97	FHC/KN/CR/21/2013	17/01/2012	COUNTERFEITING OF CURRENCY	10/7/2013	FHC 2 KANO	FRN MUHAMMED SANI	3 YEARS IMPRISONMENT FOR EACH COUNT OR N150,000.00 FOR EACH COUNT
98	FHC/KN/CR/85/2013	24/03/2013	COUNTERFEITING OF CURRENCY (US DOLLAR)	10/7/2013	FHC 2 KANO	FRN V MUHAMMED SHEHU	3 YEARS IMPRISONMENT FOR EACH COUNT OR N150,000.00 FOR EACH COUNT
99	FHC/KN/CR/194/2012	17/12/2012	COUNTERFEITING OF CURRENCY (US DOLLARS)	11/7/2013	FHC 2 KANO	FRN V TUKUR ABDULLAHI	5 YEARS IMPRISONMENT FOR EACH COUNT OR N150,000.00 FOR EACH COUNT
100	FHC/KN/CR/192/2012	12/12/2012	MONEY LAUNDERING	12/7/2013	FHC 2 KANO	FRN V AMINU SULE LAMIDO	TO FORFEIT 25% OF UNDECLARED FUNDS
101	K/EFCC/03/2013	18/02/2013	MISAPPROPRIATION 2	2/07/2013	HCT 10 KANO	FRN V USMAN SALIFU	6 MONTHS IMPRISONMENT OR N2,000,000.00 AND PAYMENT OF N56,879,000.00 AS COMPENSATION TO COMPLAINANT
102	FHC/KN/CR/38/2013	18/02/2013	MONEY LAUNDERING	09/12/2013	FHC 2 KANO	FRN V USMAN SALIFU	1YEAR IMPRISONMENT OR N250,000.00 FINE
103	K/EFCC/16/2008/17/12	17/12/2008	CONSPIRACY AND OBTAINING MONEY UNDER FALSE PRETENCE 2	8/12/2013	HCT 6 KANO	FRN V UCHE OYENKPA & FRANK OBI	1 YEAR IMPRISONMENT
104	K/EFCC/12/2013	11/7/2013	FORGERY 1	8/12/2013	HCT 10 KANO	FRN V AUGUSTINE OLAYINKA & OKEH ANONE	2 YEARS IMPRISONMENT OR FINE OF N100,000.00
105	K/EFCC/10/2012	9/10/2012	OBTAINING BY FALSE PRETENCE AND FORGERY	30/12/13	HCT 10 KANO	FRN V BASHIR ALI & SALE JIBRIN	14 YEARS IMPRISONMENT WITH FINE OF N1,000,000.00
106	FHC/ASB/4C/2011	2/18/2011	ILLEGAL DEALING IN PETROLEUM PRODUCT 1	9/04/2013	FHC ASABA	FRN V EFE ASAKPA	6 MONTHS IMPRISONMENT AND FINE OF N30,000.00 ON EACH COUNT
107	FHC/ASB/24C/2011	7/13/2010	ILLEGAL DEALING IN PETROLEUM PRODUCT	7/6/2013	FHC ASABA	FRN V OYEKAN ABIDUN, EMOKPAI HENRY, VINCENT EMAYIKU	3 YEARS IMPRISONMENT

JUSTICE OR IMPUNITY?
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2013 EFCC CONVICTIONS							
S/N	CHARGE NO	DATE FILED	OFFENCE	DATE OF CONVICTION	COURT/JUDGE	PARTIES/NAMES OF ACCUSED/CONVICTS	VERDICT
108	FHC/ASB/3C/2011	2/18/2011	ILLEGAL DEALING IN PETROLEUM PRODUCT	6/7/2013	FHC ASABA	FRN V DAYA DANIEL, AKPOS MICHAEL	2 YEARS IMPRISONMENT OR FINE OF N50,000.00 ON EACH COUNT
109	FHC/B/57C/2011	7/15/2011	OBTAINING BY FALSE PRETENCES 1	3/06/2013	FHC ASABA	FRN V AIMUAMWEHI FRIDAY OSAREREN, OMOREDE DARLINGTON, IYOKHO NOSA	91 YEARS IMPRISONMENT
110	FHC/B/66C/2011	9/19/2011	OBTAINING BY FALSE PRETENCE 1	3/06/2013	FHC ASABA	FRN V AGUBGA CHUKUEMEKA	15 YEARS IMPRISONMENT AND TO REFUND TO THE COMPLAINANT THE SUM OF N7,500,000.00
111	FHC/PH/135C/2011	11/2/2011	OBTAINING BY FALSE PRETENCE	6/7/2013	FHC PH	FRN V BABATUNDE BOLAJI MURITALA	7 YEARS IMPRISONMENT
112	FHC/PH/262C/2012	10/9/2012	OBTAINING BY FALSE PRETENCE AND FORGERY	11/1/2013	FHC PH	FRN V ADEBISI ADEBAYO ADENIYI J.	3 YEARS IMPRISONMENT
113	FHC/PH/35C/2012	3/19/2013	ILLEGAL DEALING IN PETROLEUM PRODUCT 1	3/12/2013	FHC PH	FRN V SULEIMAN ABDUL	2 YEARS IMPRISONMENT
114	FHC/EN/CR/41/2012	25/06/2012	POSSESSION OF SCAM DOCUMENTS 2	5/03/2013	FHC ENUGU	FRN V DARAMOLA OLAWALE	2 YEARS IMPRISONMENT
115	ID/94C/2009	16/07/2009	ISSUANCE OF DISHONORED CHEQUE 2	4/10/2013	HC IKEJA	FRN V ALAWEMO AND SYNERGY RESOURCES MANAGEMENT LTD	6 MONTHS AND REFUND OF \$4,016.25
116	ID/24C/2006	6/3/2006	OBTAINING BY FALSE PRETENCE 2	2/05/2013	HC IKEJA	FRN V KOREDE ONAMUTI	2 YEARS IMPRISONMENT
117	CR/82/2009	17/10/2009	ISSUANCE DISHONORED CHEQUE 2	1/02/2013	FCT HIGH COURT 32 ABUJA	FRN ALHAJI IBRAHIM SALEH	4 MONTHS IMPRISONMENT

Source: EFCC Official Website. Link: https://efccnigeria.org/efcc/images/EFCC_2013_Convictions

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APPENDIX III

HIGH PROFILE DEFENDANTS OCCUPYING POLITICAL/ELECTORAL OFFICES

S/N	NAME	CASE STATUS	AMOUNT ALLEGED EMBEZZLED	PROSECUTING COUNSEL	TRIAL COURT/ SUIT NO
1	Joshua Dariye, Former Governor, Plateau State (Serving Senator)	Arraigned on 23 count charge of criminal misappropriation of public funds, embezzlement and criminal breach of trust. Pending at Supreme Court on issue of jurisdiction filed by the accused.	₦700 Million	Rotimi Jacobs	FCT High Court, Gudu, Abuja FCT/HC/CR/81/97
2	Boni Hanura Former Governor, Adamawa State (Serving Minister)	Arraigned on 28 count charge of conspiracy and money laundering. Plea taken. Adoption of motion slated for Nov.	₦254 Million	Paul Erokoro, SAN	Federal High Court, Abuja FHC/ABJ/1CR/147/2008
3	Adamu Abdullahi Former Governor of Nasarawa State (Serving Senator)	Arraigned on 149 count charge. Suspect granted bail but court case slated for trial.	₦15 Billion		Federal High Court, Lafia, Nasarawa
4	Danjuma Goje Former Governor of Gombe State (Serving Senator)	Arraigned on allegations of milking his state, money laundering. Trial is ongoing.	₦52 Billion	W.K. Shittu	Federal High Court, Gombe FHC/GM/CR/33C/2011
5	Senator Paulinus Igwe (Serving Senator) Hon. Ndudi Elumelu (Serving Members of House of Representatives).	Criminal breach of trust (Trial Ongoing). Also, Violations of the Public Procurement Act (Trial Ongoing). Plea taken while prosecution has filed more charges against suspects. Suspects filed to quash charges but application thrown out by court.	₦5.2 Billion	Both by Pinheiro & Co	FCT High Court, Abuja FCT/CCR/39/2009 Also Federal High Court, Abuja FHC/ABJ/87/2009
6	Herman Hembe and Chris Ifeanyi Azubogu (Serving Members House of Representatives)	Arraigned on 2 count charge of conversion. Trial is stayed pending appeals filed by the accused persons on the issue of the High Court striking out their No Case Submission. Appeal has been reserved for judgment. Case has been discharged by the Appeal Court.	₦44 Million	Chile Okoroma (Ag. D, Legal & Pro Dept. EFCC)	FCT High Court, Abuja CR/77/2012
7	Farouk Lawan (Serving Member House of Representatives)		₦96 Million		Federal High Court, Abuja

Some Publications by Human Development Initiatives

1. Impunity in 2012, 2013 Budget of Nigeria: “Wastage, Duplication and Illegal Expenses to Avoid in 2014 Budget” – November 2013.
2. HDI-LGA Budget Watch Manual – November 2011.
3. Rule of Law Compliance in Nigeria – March 2010.
4. Impact of Globalization on Human Trafficking: An Era of Globalized Servitude – 2007.
5. Enhancing The Rights of Child by Eradicating Child Labour in Nigeria – 2007.
6. Justice To The Poor: Implementing the Administration of Estates (Small Estate Payments Exemption) Law 2005 and Further Suggestions for the Reforms of Probate Law and Practice – February 2006.
7. A report on Reform of the Wills Law of Lagos State – March 2005.
8. Street Children and the Juvenile Justice System in Lagos State: Nigerian Report (joint publication with CSC-UK) – January, 2004.
9. Reform of the Administration of Estate Law of Lagos State and A Draft Bill for A Law on Administration of Estate (Small Payments) Law – March 2003.
10. Women's Political Participation Through Economic Empowerment – 2001.
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